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ESSAY
ON
POLITICAL TACTICS:

CONTAINING
SIX OF THE PRINCIPAL RULES
PROPER TO BE OBSERVED BY A
POLITICAL ASSEMBLY,
In the Process of FORMING a DECISION:

WITH THE
REASONS ON WHICH THEY ARE GROUNDED;
And a COMPARATIVE APPLICATION of them to
BRITISH and *FRENCH* PRACTICE:

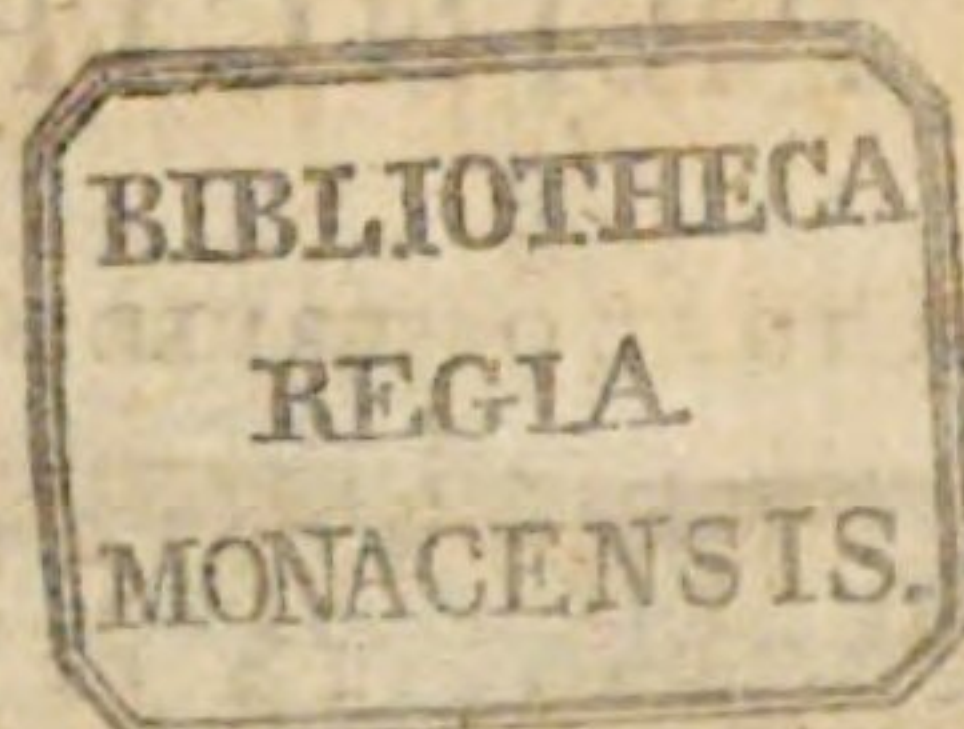
Being a Fragment of a larger Work; a Sketch of which is subjoined.

By *JEREMY BENTHAM*, of *Lincoln's-Inn*, Esq.

L O N D O N:
PRINTED FOR T. PAYNE, AT THE MEWS-GATE.

M.DCC.XCI.

275. J.



P R E F A C E.

THE present Essay is, as the number subjoined to it imports, but a fragment of a much more extensive work, the design of which embraced the whole theory of the discipline and mode of procedure most proper to be observed in all sorts of political assemblies.

What gave rise to it was the notification that had been given of the then approaching meeting of the French States-General, since termed the National Assembly.

As to the particular matter of the present Essay, preceded, as it required to be, by several other matters, as well in respect to the chronological order of the subjects treated of, as in respect to the order that seemed most favourable to investigation, it presented itself as second to none in the order of importance.

What was more, the very rules that suggested themselves as necessary to every assembly, turned

out to be the very rules actually observed in both assemblies of the British Legislature. What theory would have pitched upon as a model of perfection, practice presented as having been successfully pursued: never was the accord more perfect between reason and experience.

The conjuncture which gave rise to the publication seemed to be such as would give it its best chance of being of use. A political assembly, selected from the whole body of a great nation, were about to meet for the first time. Every thing that concerned them was as yet new to them: every thing was as yet to create. They were in the situation of a manufacturer, who, besides the work that was the object of his manufacture, should find himself under the necessity of making the very tools he was to work with. The presenting these new manufacturers with a new set of tools, with a description of their uses, tools whose temper had been so well tried, was the object of the present design.

The subject, however, taken in its full extent, and handled in the manner in which it was endeavoured to be handled, was far too extensive for the time. All that could be done at the moment, was to select for immediate publication what seemed to stand first in the order of importance. By forced exertions, the part now
published

published was accordingly printed off; and, of a few copies that were sent to Paris, the last sheet reached that metropolis a day or two after the first formal meeting of the Assembly, and before any business was begun upon. Of these copies one having found its way into the hands of the Comte de Mirabeau, the sheets, as fast as they came over, had been honoured, as I afterwards learnt, with a translation, either by the pen of that distinguished member, or under his care.

Congenial affections had happened about the same time to give birth, without my knowledge, to a little tract that promised to afford not only furtherance to the design, but assistance towards the execution of this larger enterprize. To deliver the theory of a copious and unattempted branch of political science, was necessarily a work not only of time, but of bulk, and would require more paper than could, at the ordinary rate of business, make its way, in the course of several months, through the press. Practice itself, stated simply and without reasoning, might be comprised within limits much less extensive. Moved by these considerations, a gentleman eminently qualified for the task, had undertaken, much about the same time, this philanthropic office. His valuable paper was sent over in manuscript: a translation of it was not only made, but soon after

published, by the procurement of the celebrated Frenchman above spoken of, whose name stands in the title-page.

To judge from the temper and modes of thinking that had so long appeared prevalent in the French nation, the larger of these works, if tolerably performed, and the other, almost at any rate, seemed to possess a fair chance of engaging some attention, and of being turned to some account in practice. The prepossession so generally entertained in favour of English law, had been no where more strenuous, more general, or more liberally avowed, than among our nearest neighbours. If such was the case with regard to points in relation to which both countries had possessed the advantage of practice, it seemed still more natural that it should be so with regard to points like these, in relation to which the whole stock of experience had fallen exclusively to the share of that country, to whose example the other had been used to look with so favourable an eye. To judge beforehand, the danger seemed to be, that English practice at least, whatever might become of English doctrine, so far from being slighted, should meet with an adoption rather too general and indiscriminate. What seemed to be apprehended, was rather that the dross should be taken up and employed, than
that

that the sterling should be rejected. To make the distinction as plain as possible, was therefore all along one of the principal objects of my care.

With these expectations the event has, it must be confessed, but indifferently accorded. Howsoever it has happened, both these labours, for any good effect they seem to have had in the country to whose service they were dedicated, might as well have been spared. Of the theoretical essay the translation has not been so much as published: and the practical might as well not have been published, for any use that seems to have been made of it. Of the theoretical tract, the author was indeed given to understand at the time, that it had made as many proselytes as it had found readers. But this it might easily do, without having much success to boast of: for at that busy period, the time of the leading people in that country was, as it still continues to be, so fully occupied by the conversation which the topics of the day furnish in such abundance, that the faculty of reading, as to every thing but what absolute necessity forces into men's hands, seems almost laid aside.

Be that as it may, from any effect that has manifested itself, either in the rules or the practice of the French Assembly, few or no indications have appeared, from which it can be inferred that either British practice, or
British

British reason, or both together, have met with that attention that either alone had some title to expect. A few English expressions, and some of them too misapplied, compose nearly the whole of what France has drawn upon us for, out of so large a fund.

Has she reason to congratulate herself on this neglect? On the contrary, scarce a day that she has not smarted for it. Nor has the wisdom of these rules received a farther, or more illustrious demonstration, from the beneficial consequences that have attended the observance of them in the one country, than from the bad effects that have resulted from the non-observance of them in the other. How often has the Assembly been at the eve of perishing, by the mere effect of the principles of dissolution, involved in its own undigested practice! What a profusion of useless altercation, what a waste of precious time has been produced, by doubts started, and disputes carried on, concerning the terms of a decree, days after the decree has been supposed to have been framed! A sort of dispute which never has arisen for ages, nor ever can possibly arise under the British practice, the only practice on this head reconcileable to common sense. The minutes of the proceedings, a work performed with the utmost exactness and punctuality, in the House of Commons, by a single clerk, exercises

exercises the patience, and finds full employment for the time and ingenuity, of six members of the National Assembly of France. In London the publication of this work is as regular as that of a daily newspaper: while, in the corresponding work at Paris, the series of numbers has been commonly at least ten days or a fortnight in arrear, besides being broken by frequent gaps, and disturbed by second editions correcting and canceling the first.

Little by little, the practice relative to these points has, it is true, already undergone some improvements. Well might it: for, if it had not, instead of going on ill as it does, it could not have gone on at all: and so far as, with relation to these same points, it has been altered and improved, so far has it been brought nearer and nearer to the British practice, as delineated and justified by the ensuing pages.

As to the present detached Essay, a natural question is, how it happens that being but a part, and that not the first, it comes now to be published separate from, and before the rest?—The answer is, that though but a part, it is, as far as it goes, complete within itself; and, as to every purpose of intelligibility, completely independent of every thing that was designed to precede or follow it. Observing it thus circumstanced, it
has

has occurred to me that the sheets might as well be transferred to the booksellers, as remain any longer an incumbrance to the printer. Should it, in this country, be found to afford half an hour's amusement to half an hundred thinking individuals, the publication will have done its office.

As to the remainder of the work, which, though considerably advanced, was not, even in manuscript, completed, the occasion which called for it being over, and all chance of its being of any immediate use being at an end, it lies very quietly in a place where its quiet is not in any danger of being very speedily disturbed.

Mean time, a sketch of the principal divisions of it may, perhaps, be not unacceptable to such readers as may be curious to see before them, at one view, what the topics are that fall to be treated of under this head of legislation. At the conclusion of these sheets a slight sketch of this sort is accordingly subjoined: though, until the work, thus analysed, be completed, every analysis that can be given of it must remain in an undetermined and unfinished state.

ESSAY

ESSAY V.

CHAPTER I.

Of the Office of PRESIDENT*.—*Rules.*

I. *Number and Supply.*

RULE I. **IN** every political Assembly there ought, at all times, to be some *one* person to preside.

RULE 2.

* The word *President*, I employ in preference to any other term which the English or any other European language offers, as capable of being made to express the function I have in view.

To an Englishman, whose view were confined to his own island, and to the chief governing bodies in that island, *Speaker* is the word which would naturally first present itself. But the term *Speaker* exhibits the office of President no otherwise than as an appendage to a very different and now frivolous function, of which hereafter, and of which latter only an intimation is given by this name; and in relation to the business of debate it has an incorrigible tendency to produce confusion: it confounds the President with any *Member* whom there is occasion to mention as *speaking*. In the instance in which it is most used, *viz.* to denote the President in ordinary of the House of Commons, it involves contradiction: the original propriety of the appellation

ESSAY V. PART I.

B

having

RULE 2. In a permanent assembly that function is best provided for by a permanent President in chief, with substitutes of equal permanency,

having in this instance slipped away, and left absurdity in its place. In that House the Speaker, while he officiates as such, is the only person present, who neither makes those *speeches* which all other members make, nor has any right to do so. In this point of view it lends countenance to a principle of etymology generally cited as a whimsical one: *Speaker*, from *not speaking*; *ut lucus a non lucendo*.

Orator [*Orateur*] is the word by which the English word *Speaker* has been usually rendered in the general language of Europe. It is by the same word that the Presidency of the three inferior Orders of the Swedish Diet is rendered in the same language. To the innocent improprieties chargeable on the word *Speaker*, this adds a dangerous one. *Oration* means supplication; supplication implies *pliancy*, as towards the person to be addressed: the pliancy of the Swedish Presidents, as towards the person they had to address, has just consummated the ruin of every thing that ought to be dear to Sweden.

The word *Chairman* is free from the inconvenience attached to the use of the words *Speaker* and *Orator*: but it draws the attention to an idea too confined: as if it were necessary to the function that the person who performs it should sit in a chair, and that nobody else should. At times it may even bring up an improper and ignoble idea: several Committees being about to sit, a voice is heard in the purlieu of the House of Commons, *Gentlemen, your Chairmen wait for you*.—Does *Chairman* here mean a *President* or a *Porter*?

Marshal is the appellation by which the President is denoted in the Polish Diet, in one of the four Orders which compose the Swedish body of that name, and in the Provincial Assemblies of the Noblesse instituted within these few years throughout the Russian Empire. This term, besides being inexpressive, is liable to objections of a much more serious nature. In the original German it signified neither more or less than what we call a hostler or a groom—a servant having horses under his care. A horse being an animal of great importance to a barbarian King, to have the care of the King's horses was to be a great man. When not to be military was to be nobody, to be a man in the service of the King, was to have a great military command. Thus, by degrees, a command over horses has involved, as a matter of inferior consequence,

permanency, in such number that, in case of absence or disability, the place of the chief may at the instant be supplied.

RULE 3. In the character of President no more than *one* person ought to *officiate* at a time.

RULE 4. But *two* persons at least, capable of officiating, ought to be *present* at a time.

II. *Functions competent and incompetent.*

RULE 5. The functions that belong properly to a President, belong to him in one or other of two capacities: that of a *Judge*, as between individual members; or that of *Agent* of the whole

sequence, a command over their riders; till at length the title of *Marshal*, superior even to that of *General*, is come to denote in most countries of Europe the chief military command. But to command militarily is to command despotically. Accordingly, in the Swedish Diet, the Nobles, sitting under the command of their Marshal, named by the Crown, are to speak or hold their tongues, as a Soldier is to turn to the right or to the left, as the Commander gives the word. Thus, as will be seen below, ordained Gustavus Adolphus, a military king.

Hence, of all the words that ever were, or ever could be, devised, to denote the President of an Assembly which is not meant for an army or a puppet-show, the word *Marshal* is that which ought most studiously to be proscribed. France, therefore, in giving to the *Presidents* of her national Assemblies, this simple and expressive name, instead of the swelling and so much coveted title of *Marshal*, has had a fortunate escape.

The length of this note may demand justification, but needs no apology. While minds are led by sounds, and modes of thinking depend on association, names of office will never be of light importance. A King of Poland or Sweden looks upon himself as an injured being, so long as his will meets with any resistance that would not have been to a King of Prussia or Denmark: and because a President is termed *Marshal*, Sweden is destroyed.

Assembly: as Judge, when there is a dispute for him to decide upon; as Agent, where there is any thing for him to do without dispute*.

RULE 6. As Judge, a President ought in every instance to be subordinate, in the way of *appeal*, to the Assembly itself, sitting under another presidency.

RULE 7. As Agent, he ought in every instance to be subject to the *controul* of the Assembly: and that *instanter*, as to every thing transacted in face of the Assembly.

RULE 8. In neither capacity ought he to possess any power, the effect of which would be to give him a controul, in any degree, over the will of the Assembly.

RULE 9. In a *numerous*† Assembly, and in particular in a numerous legislative Assembly, a President ought not to be a *Member*: that is, he ought not to possess a right, either to make motions, to take part in a debate, or to give a vote.

* For instance, putting the question: declaring the decision resulting from the numbers of the votes: giving orders to subordinates: giving thanks or reprimands to individuals: or in short, using, in the name of the Assembly, any other discourse of any kind which is not deemed of sufficient importance to be penned by the Assembly itself.

† An Assembly may in this point of view be deemed too numerous, when it is too numerous for the opinion of each member to be recorded distinctly in his own terms. This takes out of the rule such Assemblies, for instance, as the Boards of Administration and the principal Courts of Justice in Great Britain, and the Boards established in the dominions of the English East-India Company.

III. Choice.

RULE 10. IN a legislative Assembly, or any other free and numerous political Assembly, a President ought, in every case, to be chosen freely and exclusively by the Assembly over which he is to preside.

RULE 11. In the choice of a President, the votes ought to be taken in the secret way, and the majority ought to be an *absolute* one *.

RULE 12. A President ought ever to remain removable by the Assembly, at its free pleasure, but not by any other authority.

RULE 13. IN a permanent Assembly, on the occasion of choosing a permanent President, if there be no other President in office, it may be better to accept a President, *pro re natâ*, from without doors, upon the ground of any claim however slight, if single, than to stand, in that instance, upon its liberty of choice †.

RULE 14. So for all kinds of business, in an Assembly which, however free, is but occasional ‡.

* — in contradistinction to a comparative one: *i. e.* if there be a number of candidates, the having more votes than any other candidate ought not determine the election, unless he who possesses such comparative majority has a majority of the whole number of the votes. For the method of reducing a comparative majority to an absolute one, see Essay VI.

† For instance, where a King, or other chief magistrate in any State, institutes a new Assembly, or convokes one not already provided with one by ancient designation, it might be of use that he should name a President for this purpose only.

‡ Thus in an English county meeting, it may be better to accept of the Presidency of the Sheriff, though an officer of the King's appointment, than to consume the time in debating who shall fill the chair.

GENERAL

GENERAL OBSERVATIONS.

A VERY simple observation will furnish a clue to all the reasons that can be produced or required in support of the propositions above laid down. Throughout the whole business, the grand problem is to obtain in its most genuine purity the real and enlightened will of the Assembly. The solution of this problem is the end that ought every where to be had in view. To this end every thing that concerns the President ought of course to be subservient. It is for the sake of the Assembly, and for their use alone, that the institution of this office is either necessary or proper. The duty and art of the President of a political Assembly, is the duty and art of the *accoucheur*: *ars obstetrix animorum*: to use an expression of the first Encyclopedist, and his not unworthy successors. To assist *Nature*, and not to force her:—to soothe upon occasion the pangs of parturition:—to produce in the shortest time the genuine offspring:—but never to stifle it; much less to substitute a changeling in its room. It is only in as far as it may be conformable to the will of the Assembly, that the will of this Officer can, as such, have any claim to regard. If in any instance a person dignified with any such title as that of President of such or such an Assembly, possesses any independent influence, such influence, proper or improper, belongs to him, not in his quality of President, but in some foreign character. Any influence whatever that he possesses over the acts of the Assembly, otherwise than subject to the immediate controul of the Assembly, is just so much power taken from the Assembly, and thrown into the lap of this single individual.

It follows, that nothing ought to be permitted by the Assembly to be done by a President, that the Assembly itself could do in the same space of time.

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In the case of an Assembly and its President we see judicial power in the simplest form in which it can exist, and in the simplest set of circumstances in which it can be placed. The Judge single: the parties acting all the while under his eye: complaint, judgment, and execution, treading with instantaneous rapidity on the heels of contravention. Happy the suitor, if in the other cases of procedure, instead of complication and delay, simplicity of situation and celerity of dispatch had been taken for the standard of observation, and model of imitation, by the founders and expositors of the law.

CHAPTER II.

Of the Office of President.---*Number and Supply.*

Questions, with Answers exhibiting Reasons.

QUESTION I. **W**HY always a person to preside ?

ANSWER. 1. In order to collect the votes, on the proportionable numbers of which depends the genuineness of whatever may be given as the general will.

2. In order to apply, in less time than it would take for the Assembly at large to apply them, all such *remedies* as the laws of the Assembly have provided or allowed to be applied in case of any act done by any individual in *contravention* to those laws. The Assembly cannot act but by voting: voting, if according to knowledge, supposes debate; or at least the faculty of having recourse to debate, in proportion as it is thought needful: and

* Whatever may be the advantages obtainable from the institution of a political Assembly, that of promptitude of action is certainly not of the number. The action of such an Assembly depends, in each instance, upon the reduction of many particular wills to one general one. But this reduction is a work of time: of which the greater quantity may naturally become requisite, the greater the number is of the objects upon which the process is to be performed.

voting

ESSAY VI.

On the Mode of proceeding in a POLITICAL ASSEMBLY
in the Formation of its Decisions.

CHAPTER I.

Introductory Observations.

THE subject we are now about to engage in, is in its own nature abstract, intricate and obscure. Of these undesirable qualities in the subject, but too strong a tincture must inevitably be imbibed by the work. To judge by the celerity with which a *motion* is oftentimes made, and an order framed in consequence, the path may at first glance appear short and simple. But, in this as in other instances, practice may be short and simple, where description and discussion are tedious and involved. To put in action the whole muscular system is the work but of an instant; but to describe the parts concerned in that action, and the different modifications it admits of, is to exhaust the stores of a copious and recondite science.

For affording a clue to this labyrinth at the first entrance, no expedient seemed to promise better, than that of singling out, and laying before the reader at one view, the essential points upon which the due conduct of the business seemed principally to turn; suggesting at the same time such regulations as the dictates of utility seemed to prescribe in relation to those points. Chronological order, the order of the incidents, has for this purpose been broken in upon, lest these points of primary importance should have been lost as it were in the multitude of less essential details. But though broken in upon, it is not any where reversed: and, in the subsequent discussions, strict order will reassume its empire *.

On these few points turn the essential differences between the British and (what as far as I have been able to learn has been) the French practice in this line. In these points too, if the reasoning which the reader will find as he advances be not erroneous, resides the singular excellence, or rather exclusive fitness, of the former mode.

In matters of inferior importance, invention has been set to work: in these, though equally disposed to have hazarded invention, I have found nothing to do but to copy †.

In

* Order, useful as it is in general to facilitate conception, and necessary as is the assistance it affords to the weakness of the human faculties, is good for nothing else: so that in the few cases where instruction can be administered to more advantage by dispensing with the laws of order than by the observance of them, to adhere to those laws with an inflexible pertinacity would be to sacrifice the end to the means.

† I speak of the regulations themselves: for, as to the principles by which the propriety of regulations is to be tried, and the particular reasons on both sides

In this bye corner an observing eye may trace the original seed-plot of English liberty: it is in this hitherto neglected spot that the seeds of that invaluable production have germinated and grown up to their present maturity, scarce noticed by the husbandman, and unsuspected by the destroyer.

The importance of these uninviting forms is no fine-spun speculation, no fanciful conceit. Political liberty depends every where upon the free action and frequent and genuine manifestation of the public will: but the free action and genuine manifestation of that will depend upon the mode of proceeding observed in going through the several steps that must be taken before any such result can be produced.

Without any such regulations as those here insisted on, in short without any regulations at all, a general will, or pretended general will, may come now and then to be declared. But of what sort? Such an one as the will of him who gives his purse to save his life, or signs a deed he never read, or takes an oath with an *et cætera* at the end of it, is to the free and enlightened will of the individual. Without rules, the power of the assembly either evaporates in ineffectual struggles, or becomes a prey to the obstinate and overbearing: *Detur fortiori*, or rather *robustiori*, would be its proper motto. Unanimity may glitter on the

fides deducible from those principles, these are matters which lie still open to the researches of invention in every province of the demesnes of law.

Considerations of expediency may have influenced practice long before they have found their way into books, or even into discourse. But, where this is the case, to report is to invent: for reason, till clothed in words, is scarce deserving of the name; it is but the embryo of reason, scarce distinguishable from instinct.

surface: but it is such unanimity as famine and imprisonment extort from an English Jury. In a system of well-digested rules, such as the English practice, with little improvement, would supply, will be found the only buckler of defence that reflection can have against precipitancy, moderation against violence, modesty against arrogance, veracity against falsehood, simplicity against deception and intrigue.

Without discipline, public spirit stands as poor a chance in a numerous assembly as valour in the field.

Happily the peaceful branch, though hitherto less understood than the military, is neither quite so difficult to learn nor quite so burthensome to practise. The essential articles of it will be found comprised within the compass of a page.

It is the want of such a general will, the natural effect of the total want of discipline, that has been the great cause of the inefficiency and inutility so justly imputed to all former assemblies of the States General of France: or, to speak correctly, it is in the non-formation of such will, in the perpetual failure of whatever efforts have been excited by the desire of forming one, that this inefficiency has consisted. But a political body lives only by the manifestation of its will. Here then intelligence is power: and to administer intelligence, is to give life.

The spirit of the people, the generosity of its superior classes, the unexampled virtue of the Sovereign, and the wisdom of the Minister, all concur in promising to France a constitution which may soon be an object of envy, if it is not of imitation, to Great Britain. But, inestimable as such a blessing would be, the benefit

nefit derivable from it will be found to hang upon so slender, and to many an eye imperceptible a thread, as the system of tactics, or the no-system, which in the form of their proceedings the regenerated assembly may happen to embrace. The pains employed in the construction of this great instrument of public felicity, will prove but lost labour, if the only true method of working with it remains unpractised.

Powerful talents, and public-spirited dispositions, comprise the utmost good which the best possible constitution can produce. But of what avail are talents and dispositions, so long as either no decision is formed, or none that answers to its name?

Considerations of such essential importance as I shall have occasion to bring to view can scarcely indeed at this interesting crisis, and at this æra of enquiry, have escaped altogether the researches of an acute and ingenious nation; and the labours of many a pen better suited to the task have probably been employed ere now upon this great object. But as the success with which the public is served, depends upon the use which each man makes of his own powers, and not upon the reliance he places on those of other men—as this, like any other subject, may profit by being exhibited by different writers in different points of view—and as the mention of these more striking articles would be necessary, were it only to save the chain of reasoning that connects the whole from appearing broken and obscure, the importance of them did not seem a sufficient warrant for the omission either of the provisions themselves, or of any part of the reasoning by which that importance is holden up to view.

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In my endeavours to communicate such lights as my researches may be able to throw upon the subject, the following is, in general, the method I pursue. In the first place are exhibited such *Regulations*, relative to each head, as the dictates of utility appear to recommend; in the next place are subjoined, in the way of Question and Answer, the *Reasons* by which such provisions came recommended to my notice*. After that, follows a view of the *British practice*, relative to the points in question; after that again, a view of what I have been able to collect relative to the *French practice*, the justification and confirmation of which where it appears right, the correction of it where it appears wrong, and the completion of it where it appears deficient, is the principal object of the present work: lastly, where occasion seemed to require, a few general *Observations* are subjoined, containing such remarks as could not conveniently be brought under any of the former heads; particularly for the sake of placing different branches of the subject in a comprehensive and comparative point of view.

For the purpose of giving an idea of the French practice relative to these points, the fairest specimen, and that which would have rendered every other of small importance, would have been that of the States General of France. But of this practice, it seems to be agreed, that no documents are to be found. One may

* These reasons bear each of them a relation to some particular principle of the number of those laid down in Essay I: this will account for their being conceived in a form not always the most natural, and which consequently, were it not for the advantages dependent upon this sort of symmetry, would not have been the most eligible.

even see *à priori* that nothing of the kind could well have had existence. Between the want of efficiency and the want of form the connection is in this instance so natural, that, in default of positive proofs, either of those circumstances might serve as a presumptive evidence of the other. If their proceedings had been attended with any effect, we should have seen the mode in which they proceeded; if their mode of proceeding had been in any tolerable degree suited to the purpose of giving birth to a general will, a general will would at times have been formed, and, being formed, would have been productive of some effect. *Nihil fecit* is the phrase in which some of the monkish historians have comprised the history of several of their kings *. The same history, with a small addition, may serve for all their national assemblies: *nihil fecerunt* gives the catalogue of their acts; *nullo modo*, the form of their procedure.

Failing this source of intelligence, the next one should naturally turn to, is the practice of the few provincial states of ancient institution still subsisting in that great Empire †. From the journals of these assemblies, if made public, intelligence more or less satisfactory relative to this head could not but be afforded; but unfortunately I have not been able to hear of any such publication, and from circumstances I am strongly led to think no such publication has ever been made.

The only remaining source is that afforded by the modern provincial assemblies, instituted at first in two provinces

* Meaning by *nothing* the founding of no monasteries.

† *Viz.* Britany, Languedoc, and Burgundy.

only *, by way of experiment, in the years 1778 and 1779, and at length in the year 1787 communicated to the whole kingdom. The regimen established in these assemblies, if it does not give the most ancient mode of proceeding known in France, gives, what for the purposes of instruction is much more valuable, the latest.

It is the more so, in as much as through this medium may be obtained some sort of oblique view of the mode of proceeding observed in the old established provincial states. For, in drawing up a code of regulations for the first instituted of the provincial assemblies, those established for the provincial states compose the model which the Committee employed on that business expressly declare themselves to have taken for the basis of their work †. In this code, adding to it the materials furnished by the succeeding establishments of the same kind, we may therefore view the quintessence of that part of the national stock of wisdom which has applied itself to this important subject.

Partly for shortness, partly for precision's sake, I have chosen all along, as far as the nature of the case would give leave, to

* Berry and Haute Guyenne.

† Procès-Verbal de l'Assemblée Provinciale de Berri, 23 Novembre 1778. The declaration here spoken of does not, it is true, in express terms comprise any other regulations than those relative to the "*convocation* and the *formation*" of the assemblies in question; but, as the Committee who on that day presented a code of regulations relative to those two heads, are the same also who, three days afterwards, present another code relative to the *mode* of *proceeding* to be observed, it cannot be supposed that the documents, which had been taken for a model on the first of those occasions, were neglected on the second.

exhibit the proposed regulations in the very words in which they might be couched. This practice, which in all authoritative compositions of this nature will be seen to be absolutely necessary, is, in unauthoritative ones, highly useful at least, and convenient. By specification, description is saved, attention arrested, and expectation satisfied: description, however well performed, leaves the main work still undone.

ESSAY VI. PART I.

C

CHAPTER

C H A P T E R II.

Principal Points to be attended to in the Mode of
proceeding relative to the Formation of the *Acts* *
of a Political Assembly.

- I. **IDENTITY** of the terms of the *proposition* † with those of the *act* proposed.
 - II. **FIXATION** of the terms of the proposition by *writing*.
 - III. **UNITY** of the subject of debate kept inviolate.
 - IV. **DISTINCTNESS** of the process of *debating* from that of *voting*.
 - V. In *debating* NO FIXED ORDER of preaudience.
 - VI. The *votes* given not one after another, but ALL AT ONCE ‡.
-

* *i. e.* As well momentary and particular *Orders* and *Resolutions* as permanent and general *Laws*; so likewise *Addresses*, Declarations of *opinion* (termed also *Resolutions* in the British practice), and *Reports*.

† *i. e.* Whether *motion*, or *bill*, or draught of any other sort of act of assembly, not comprised under the name of *motion*. See Essay I.

‡ This last point is not altogether of equal importance with the preceding ones: but as it is so naturally connected with the 4th and 5th, and concurs with them in marking the opposition between the French and British practice, it was not thought worth while to separate it from them.

Regulations

Regulations proposed relative to the above Points.

ARTICLE I. Nothing shall be deemed to be the act of the Assembly that has not been proposed in and to the Assembly by a motion made for that purpose †, put to the vote, and adopted by the majority of the votes ‡.

ART. II. Every proposition, designed to give birth to an act of the Assembly, shall be exhibited in *writing* by the mover, and conceived in the very terms, neither more nor fewer, by which it is designed such act should stand expressed §.

ART. III. A proposition of any kind having been once received, until that proposition has been disposed of no other motion shall be made, unless for one or other of three purposes:

† This is according to the British practice. In two subsequent chapters relative to the previous promulgation of motions and bills, I shall have occasion to propose an additional mode of introducing propositions; which mode, if adopted, would require an alteration to be made in the penning of this article: but, however different from this in other respects, it is, with respect to the points here noted, grounded on the same principles.

‡ *i. e.* By at least a *comparative* majority of the number of voters *present*. Of the difference between a *comparative* and an *absolute* majority, see *infra*, Ch. . . . Shall the majority of the voters *present* be sufficient, if it falls short of amounting to a majority of the whole number of persons intitled to vote? See this question discussed in Essay IV.

§ Form for a motion; *i. e.* for the introducing of a proposition:

I, the undersigned, propose the draught following to be made an act of the assembly.

(Signed) A. M.

N. B. Then give the Order, Resolution, Address, Report, Bill, or whatever other act it be, *in terminis*, whether it consist of six words or six hundred pages, beginning with its title, when it has one.

1. To offer an *amendment* to the proposition already on the carpet ;
2. To propose a mode of putting an end to the business without decision ; or
3. To reclaim the execution of some law of order at the instant of its infringement.

ART. IV. The process of *debating* and that of *voting* are distinct processes; nor shall the latter be entered upon till after the former is gone through.

ART. V. In debating, no member, after the author of the motion, shall have the right of speaking before any other *, but [he who first offers himself shall be first heard †, or else] the competition for preaudience shall be decided by lot ‡.

ART. VI. Votes, when given openly, shall be given, not one after another, but as near as may be, all together.

* In a subsequent Chapter I endeavour to shew that the author of a motion ought to be heard in support of it immediately *after*, but not, as is the British practice, *before* he makes it.

† ‡ The passage in brackets expresses the British practice; the remainder, an operation which I have ventured to recommend as a preferable one in a succeeding Chapter, in which I propose an instantaneous mode of performing it: but the main point, as will be seen, is the putting a negative upon all fixed order; and in that respect both methods agree.

C H A P T E R I I I.

Principal Points continued—Motion written, and
in Terminis.

Questions, with Answers exhibiting Reasons.

QUESTION I. **W**H Y nothing to be given as the act of the Assembly that has not been put to the vote, and carried in the Assembly?

ANSWER. This is only saying in other words, that no act of the Assembly shall be forged.

B R I T I S H P R A C T I C E.

FROM several orders of the House of Lords made towards the beginning of the last century, it should seem, that about that period attempts to commit such forgeries had been made †. A counterfaction of this kind could not well have had for its author any other person than either the ministerial officer, (the Clerk) who has the penning of the Journals, or the presiding officer, (the Speaker) under whose authority and command the other acts.

The practice of the House of Commons furnishes two examples, and, as far as appears, but two, of an incongruity, the notice of which may serve by way of illustration to this rule.

† Lords Orders, Art. 45. Lords Journals, 14 Dec. 1621; 23 Feb. 1623; 20 May, 1626.

One is that of a memorandum on the journals, that “the Speaker, by leave of the House, declared it to be their sense,” so and so*. Was a motion in those words made, put to the vote and carried? If not, no leave of the House was given, no sense of the House was taken: in the other supposition, the history given in this memorandum, which is a long and rather a perplexed one, was of no use. The usual introduction, the word *Ordered*, or the word *Resolved*, would have been a much more intelligible one, and just as proper in this case as in any other.

2. As to the other instance. At the commencement of every session, immediately upon the return of the Commons from the House of Lords, where they have been all hearing the King’s speech in a place not big enough to hold a quarter of their number, before any other business is done, a bill, in pursuance of antient orders, is read by the clerk, by direction of the Speaker, for form sake†.

“This custom (says Mr. Hatsell)‡ I understand to be nothing more than a claim of right of the Commons, that they are at liberty to proceed in the first place, upon any thing they think material, without being limited to give a preference to the subjects contained in the King’s speech.” That such was the reason, may be, and upon the strength of such respectable authority, I suppose, is, very true. But such a form is as absurd in itself as incompetent to the end. This thing called a *Bill*, what

* Commons Journals, 27 Jan. 1697.

† Commons Journals, 22 March, 1603; 7 April, 1614; 3 Feb. 1620; 21 Feb. 1623.

‡ Precedents of Proceedings in the House of Commons, with Observations by John Hatsell, Esq; First Clerk of the House, 1785. Vol. I. p. 59.

title can it be said to have to that name?—The Clerk reads it, because the Speaker orders him:—Whence comes it? From the Lords? Not so: for as yet they have done nothing, any more than the Commons. From the Speaker? But he has no right to make so much as a motion for leave to bring in a bill, much less to bring in a bill without leave. A Bill is a composition presented by some Member: the thing here called a Bill, is a child without a father, born, like Melchisedeck, in the way of equivocal generation. The case seems to be, that, at the time this order was established, no clear idea of the mode of generation of an act of the House seems to have been as yet formed. It was not as yet understood, that a composition, to be an act of the House, that is, of all, or a majority of the Members, must, if it took its rise in the House, have begun by being the act of some one Member. But to appear to be the act of some Member, it must have been exhibited by him as such: and, to make such exhibition, is to make a motion.

Years after this period, or these periods, (take any of them) in the House of Lords, as we have just been seeing, things would be starting up, pretending to be acts of the House, orders, resolutions, rules, nobody knew how. There seems to be but too much ground for apprehending that this may still be liable to be the case in the French practice. But of this a little further on.

Make what one will of it, being no act of the House, it is no exertion of any right of the House: it answers not that purpose any more than any other.

The right in question, so far from receiving any support from this futile form, neither requires nor admits of any support whatever. It exists of necessity in the first instance; it follows from the very constitution of that and every other political assembly. Nothing can be done, nothing can be expressed by the House, without
being

being done, without being expressed, at some time or other, by some Member of the House: expressed either *viva voce* or by writing, or in some other mode, no matter what: say, for instance, *viva voce*, by speaking. But when a man is up to speak, who shall say what it is he will speak, abstraction made of any antecedent rule? He speaks not to the business offered to the House by the King, but to that or any other business, as he thinks fit. For the House, therefore, to be in possession of this right, there can need nothing but the non-existence of a rule to the contrary.

The futility of this form appeared on the same recent occasion on which the establishment of it was recognized. On the 15th of November, 1763, before this pretended Bill was read, Mr. Wilkes and Mr. George Grenville start up together; Mr. Wilkes, to tell his own story about a breach of privilege; and Mr. Grenville (then Minister), with a message on the same subject from the King. Great debates which should be heard first; Mr. Wilkes's speech, Mr. Grenville's speech, or the bill: it was carried at last in favour of the bill*. What was got by this? The House had the pleasure of hearing this Bill; and then there was the same matter to settle, who should be heard first, Mr. Wilkes or Mr. Grenville, as before.

QUESTION II. Why in writing?

ANSWER. 1. Because it is only by writing that the tenor of any discourse can be fixed for any length of time.

2. It is only by such fixation that it can be ascertained, that the draught exhibited is capable of standing as a resolution of the Assembly, in the very words in which it is proposed.

* II. Hatfell, 59.

QUESTION III. Why put into writing by him who makes it, and not by any one else?

ANSWER. 1. Because no third person can so well tell what it is a man means as he himself can.—If the words of it, as committed to writing, are chosen by any body else, the utmost accuracy it can aspire to in the hands of such third person, is, the being as exactly representative of the meaning of the avowed author of the motion, as if he himself had chosen them. But the chances are rather against its possessing that extreme degree of accuracy; and were they ever so much in favour of it, yet so long as there is the smallest chance on the other side, such chance will form a conclusive reason against the committing the business of penning the motion to any body else.

2. To save time.—Between the penner and the author, where they are different persons, a conversation of some sort must be carried on: this conversation may, and frequently must, occasion discussions and disputes. The sense of the author may be perverted by accident or design: or, where no such perversion takes place, or was intended, it may be suspected. All this while business must be at a stand, and the Assembly sitting to no purpose.

Let it be of the mover's penning; and while he is about it, no part of the Assembly's time is taken up. He may have penned it out of the house; and ought so to do, as will be seen farther on, whenever it can be done.

3. To promote maturity of composition.—If the author of a motion is permitted to rely on a third person for the penning of it, such permission will be liable to produce hasty indigested motions, the impropriety of which the author himself, had he been obliged to put them to writing, might have discovered. Writing summons up the attention to apply itself to the discourse written,

and furnishes it with a fixed subject. Whoever, in any instance, corrected what he had once written, may find, in that single instance, a reason fully sufficient to justify the establishment of this rule.

QUESTION IV. Why in the very words in which, when made an act of the Assembly, it is proposed to stand?

ANSWER. 1. Because no other terms can express, with the certainty of being accurate, the object which the author of the motion proposes to the House.—The composition, given as the act of the Assembly, is not really its act, any otherwise than as far as it is the very composition, which those whose votes form the decision of the Assembly, have given their votes in favour of. If the discourse they have voted for differs, in a single word for example, from the discourse exhibited by the author of the motion, then, as to such word, it is not of his penning; which, as has just been proved, it ought to be. The only discourse they can have meant to adopt, the only discourse they can all of them, and from the beginning, have had under view, is, to a word, the very discourse presented to them by the mover: if the resolution given in their name by any one else, the Secretary, for instance, or the President, differs from that original in a single word, it is, *pro tanto*, a forgery.

I say, in a *single word*: for every one knows, that in a single word may be comprised the most important alterations: take, for instance, the word *not* *.

BRITISH

* I lay out of consideration at present the case of an *amendment*, of which hereafter. If an amendment is proposed, it is by some other Member, who has the same right to propose the alteration, as the author of the original motion.

BRITISH PRACTICE.

In every art, the proper mode, how simple soever, and how incontestably soever, when once hit upon and clearly stated, it appears to be a proper one, and even the only proper one, is seldom the one pitched upon at first.

In the British House of Commons it was the ancient practice, we are informed by Mr. Hatsell †, “for the Speaker to collect
“ the sense of the House from the debate, and from thence to
“ form a question, on which to take the opinion of the House :
“ but this (adds he) has been long discontinued : and at present,
“ the usual, and *almost* universal method is, for the Member who
“ moves a question to put it into writing, and deliver it to the
“ Speaker ; who, when it has been seconded, proposes it to the
“ House, and then the House are said to be in possession of the
“ question.”

From Lord Clarendon’s account of his exploits in the character of Chairman of a Committee, as alluded to on a former occasion ‡, there appears some reason to suspect that at that time the practice spoken of in the above passage still subsisted : otherwise it is not easy to conceive how that able statesman could have done so much mischief as he boasts of.

The way he took was, amongst other things, to report, which he says he frequently did, two or three votes directly contrary to

tion had to propose such motion. The amendment being carried, the amended motion comes instead of the original motion ; and the resolution passed by the Assembly has two authors, two equally known and avowed authors, instead of one.

† II. Hatsell, 81.

‡ Essay V.—Hist. of the Rebellion, B. III. vol. 1. p. 275. 8vo. edition.

each other. He must therefore have contributed, more or less, to the making of them so, or the "*entanglement*" he speaks of would not in any degree have been, what he boasts of its being, his work. Whatever had been their contrariety, had they been moved *in terminis*, and in writing, by their respective authors, it would not have been in his power to have had any share in it.

That such, at any rate, was the practice in the year 1620, two or three and twenty years before the period Lord Clarendon speaks of, appears from the Commons' Journal of that year: in which, on an occasion where the Speaker's conduct had been the subject of animadversion, in the course of the debates, amongst other charges is that of a practice he was in of "*intricating the question,*" and another, of his having "*made many plausible motions abortive* * †."

FRENCH

* Commons Journals, 9th March, 1620.

† Since this sheet was sent to the press, chance has led me to a passage in the Journals of the House of Commons, by which it appears that even so late as the year 1675 the identity of the terms of the act of the House with those of the motion was not invariably preserved. I will state it at length; the rather as, while it exemplifies the deviation from that rule, it may also serve to exemplify and demonstrate the ill consequences of such deviation.

The whole passage is as follows:

" A debate arising in the House touching the ancient order and course of
" the House in the method of raising supplies, and concerning the precedence of the lesser sum;

" The House, upon the question, did resolve and declare it an ancient order
" of the House, That when there comes a question between the greater and
" lesser sum, or the longer or shorter time, the least sum and longest time
" ought first to be put to the question."

FRENCH PRACTICE.—*Provincial Assemblies.*

What the practice has been in the French Assemblies of old standing, such as the Provincial States, and the Chambers of Parliament,

Upon the face of this passage two propositions may be laid down as undeniable :

1st, That the words of it are not all of them the same, without any variation, as those employed by the author of the motion which gave birth to it.

2dly, That if in any part of it such identity was preserved, it is impossible to say how far such part extends, it being impossible to say where it begins.

The part that looks most like the authentic, and, if one may so say, the enactive part of it, is that which begins at these words :—*that when there comes a question between the greater and lesser sum*

But this cannot be taken for the beginning of the authentic part for two reasons :

1. Because these words, in order to make up, along with the succeeding one, a sentence capable of officiating in the character of an act of the House, require to be preceded by the word *Resolved*, or (to use the phraseology that comes nearest to that word in the passage in question) by the words *Resolved and declared*. But in this passage no such word or words stand immediately precedent to the words in question : nor can any form of words capable of answering that purpose be found in it, without going farther back, and that so far as to involve some words which upon the face of them could not have been the words of the author of the motion, could not have been the words of the House.

To get the complement of words necessary to make out an intelligible proposition, the least remote ones one can begin with are the words, “ The House upon the question did resolve and declare.” But these, it is evident, could not have been the words of the House, nor words given by the author of the motion as designed to be adopted by the House. They are not words of an act of the House, but words used by a third person in speaking of an act of the House.

2. Another

Parliament, does not appear, in a direct way, from any documents I have been able to meet with. The affectation of secrecy,

2. Another reason why the part beginning at the words "*that when there comes a question,*" cannot be taken as comprising all the words employed by author of the motion, is, that between these words and the first words of the paragraph come others, the import of which forms an essential part of the import, whatever it be, of the act of the House; *viz.* those which speak of the antiquity of the regulation, the establishment of which was in view. "*The House, upon the question, did resolve and declare it to be an ancient order of the House.*" These words "*an ancient order,*" we see, are in their import inseparably interwoven with the preceding ones, which we have seen must have been words, not of the House, not of the author of the motion, but of a third person, the penner of the Journals.

So far as to the fact of the uncertainty: Now as to the ill effects of it, they consist in this, that as you cannot tell what part of the passage, if any, was in the words of the act of the House, you cannot tell to what cases the act of the House meant to extend itself. This we shall see immediately.

The first paragraph, not amounting of itself to an intelligible proposition, not amounting to a complete grammatical sentence, is inextricably interwoven with the second. They form two parts of the same sentence; and in both parts there is matter equally capable of being considered as representative of a part of the import of the act of the House. As you cannot tell where the language of the historiographer of the House ends, and where the language of the House itself begins, it may be that both paragraphs were expressive of the sense of the House; it may be that only the latter was.

Now then comes the uncertainty and the mischief. The last paragraph gives the proposition generally, and without restriction: the former paragraph applies a restrictive clause. The last gives to understand, that in all cases where divers sums, meaning sums of money, are in question, it is the least sum that is to be put to the question first: the former paragraph contradicts this proposition in its character of an universal one, and says that the only case to which this rule is to be deemed to extend, is that where the business upon the carpet is the business of supply—where the question is relative to

"the

crecy, which, till the present auspicious period, has pervaded the whole system of French, as in general of monarchical government, keeps every thing of this sort under a cloud.

But

“ the method of raising supplies.” What is the consequence? That it is only in the case where the question is touching *the method of raising supplies*, that this passage in the Journals affords any certain rule: and that, as to all other questions in which sums of money may be concerned, it not only affords no certainty, but presents a rule with which the certainty of any conclusion that can be formed relative to the subject is absolutely incompatible. The absence of all rule leaves the subject open to such other means of decision as the nature of it comports; but an ambiguous rule is mortal to all certainty while it lasts, and renders all true and regular decisions relative to that subject impossible.

Observe how subservient a rule, thus circumstanced, is to the purposes of disingenuous altercation.

A debate arises on a question not relating to supply. Does it suit your purpose to have the rule attach upon this question? Present the last paragraph alone. Does it suit your purpose to take the question out of the rule? Produce both paragraphs together.

Collateral considerations only make the confusion thicker: such lights as are to be collected from the situation of the legislators point one way; the interpretation given by subsequent practice points the other.

It is tolerably evident, that in the minds of the authors this rule had no other extent than what related to the single business of supply. Where money was concerned, the great object with them was how to keep their purses as close shut as possible against the swindler on the throne: it was no part of their purpose to sit down and frame a set of general principles, fit to enter into the composition of a regular code. How should it have been; when down to the present hour none of their successors have dared ever to harbour any such ambitious thoughts?

Besides that, the rule is given as an ancient one; and the farther back we go in the history of the House of Commons (setting aside the period of its short-lived tyranny during the civil wars), the less we find them have to do with money for any other purpose than the simple one of affording a temporary relief to the necessities of the Crown.

On

But of the general practice and notions on this head, the regimen prescribed to, or imagined by, the lately instituted Provincial Assemblies, affords pretty good presumptive evidence: and that evidence shews the practice in this respect to have been pretty much on a par with the English, at the time

On the other hand, subsequent practice is in favour of the more general construction: in a question no ways relating to the business of affording supplies to the crown, we shall find, in a succeeding chapter, a curious instance: and such, for aught I know, may be the practice in every other instance. Here then, to increase the confusion, we have precedent against reason; and all for want of the observance of a rule of composition so simple in its conception, and so easy in practice.

To exhibit what ought to have been done, as well as what ought not to have been done, I will now give the order in question as it ought to have stood, and as it would have stood had it been penned on the same plan with others that precede and follow it in the same volume, and even in the same leaf. The words in brackets express the dubious parts, the retention or omission of which will give the different constructions of which the passage, as it stands in the Journals, is susceptible.

The passage as it stands.

A debate arising in the House touching the ancient order and course of the House in the method of raising supplies, and concerning the precedence of the lesser sum;

The House upon the question did resolve and declare it an ancient order of the House, that when there comes a question between the greater and lesser sum, or the longer or shorter time, the least sum and longest time ought first to be put to the question.

The resolution as it ought to have been given in by the author of the motion, and entered by the clerk.

Resolved, [and it is hereby declared to be an ancient order of the House], that when [in matter of supply] there comes a question between the greater and the lesser sum, or between the longer and the shorter time, the least sum and the longest time ought first to be put to the question.

spoken

spoken of by Lord Clarendon; that is, about a century and a half ago.

“The Reports of the Committees,” says an author who has given us a general account of the constitution, discipline and proceedings of these assemblies*, “the Reports of the Committees” are made with a good deal of care. After having well settled the question, an account is given of the different opinions [avis]; of the effect produced by such or such an opinion [opinion]; of the number of persons who concurred in it; of those who differed from it, and why; of the reasons [motifs] which occasioned each proposition to be adopted or rejected, in part or in the whole; in short, of the opinions [avis] which prevailed generally, or of that which was adopted.

“This method (adds the author) ought always to be that of a Committee. The Assembly names them, not to pronounce a decision, but to elucidate an affair, and put the Assembly in a way to judge.”

This elaborate and *careful* plan, which, according to the author's notion, *ought to be the plan of every Committee*, affords a pretty strong presumption that in those assemblies (supposing this account to be a just one) the simple principle of giving a determinate existence in writing to every proposition, and so proceeding either to receive that proposition, (with or without amendments) or to reject it, was not known. The resolutions of the meeting, to judge from this account, are jumbled with the minutes of the proceedings, and the accounts of the debates: in the conception of the author, they are unquestionably.

* Résultat des Assemblées Provinciales, p. 18.

As this is a subject of the first importance to the precision of the proceedings in the great national Assembly, to which it is my ambition to be of use, to the genuineness as well as clearness of the results, and to the efficacious developement of their powers, it may be worth while to give this account a pretty minute consideration for the purpose of comparing the proceedings, as here described, with the standard above laid down.

1. “*After having well settled the question*”—[*Après avoir bien posé la question*]. What question? The question, meaning the motion or proposition in question, if delivered in, in writing, by the author himself, can neither require to be settled, nor admit of it. It has settled itself. It may require amending indeed; but that is a very different operation from settling.

2. “*After having well settled the question,*” *an account is given of the different opinions upon it*—[*on rend compte des différens avis*]. What are these opinions? these *avis*? They are not decisions upon the question: they are not votes given towards forming such decision. Each question, when put upon a single motion, can admit of but one of two decisions; adoption, or rejection: each vote can admit of but one of three modifications: for the question, against the question, or neuter*. *Avis* is perhaps, here, put for *argument*; argument used in the course of the debate.

3. “*Account is given of the effect which such or such an opinion produced*—[*de l’effet qu’a produit telle ou telle opinion*]:”—a further reason for supposing that *avis*, as well as *opinion*, here means argument: the effect that a decision produces, requires no account, no separate account: it produces the adoption of the resolution proposed, or the rejection of it: the reso-

* See ch. Voting.

lution, if adopted, needs no account: it speaks for itself. It not only does not stand in need of any account, it admits of none: a composition given under that name, if it be in the same terms with those of the resolution, is not an *account* of that resolution, but the thing itself: if in different terms, then, so far as the difference extends, the account it gives is a false one.

A *vote*, if that were meant by *avis* and *opinion*, requires not, any more than the decision it has produced, or failed of producing, any *account*: it is given one way or the other, and the effect of it appears by the decision; by the adoption or rejection of the resolution proposed.

4. *Of the number of the persons that concurred in it, [in such opinion or argument] of those who differed from it, and why: [de celles qui s'en sont éloignées, & pourquoi.]* This *why*, this *pourquoi*, I must confess, I know not very well what to make of. I thought the *opinions* or *avis* had been, themselves, the *arguments*, and included the *reasons*: these *pourquois* then must have been the reasons of those reasons.

5. *Of the reasons [motifs] which occasioned a proposition to be adopted or rejected, in part or in the whole: [des motifs qui ont fait adopter une proposition, en partie ou en total.]*

The perplexity gets thicker and thicker: here we have not only reasons upon reasons, but reasons upon *them*: for *motifs* must surely here, as in French it does commonly, when spoken of with reference to an opinion, mean reasons; it cannot mean what in English we term *motives*: it can never have been meant, that, in these Committees, the several Members get up, and render an account of the motives that have given birth to their respective votes; saying, one of them, it was patriotism; another, it was the love of reputation; another, it was sympathy for the proposer; another, it was antipathy to the

opposers; another, it was the hope of gaining a personal advantage by it that determined me: as little is it likely that the penner of the report should have taken upon himself thus to answer for each man's motives.

6. *Lastly, Of the opinions [avis] which prevailed generally; or of that which was adopted [enfin, des avis qui ont prévalu généralement, ou de celui qui a été adopté].*

This is still more perplexing than before. What means this opposition between *prevailing generally* and *being adopted*? and how is it that the opinions which may prevail generally are *several*, while the opinion that can be adopted is but *one*? If by *avis* is meant here *décisions*, decisions of adoption or rejection, on different questions you may have certainly as many decisions, in short one or other of exactly twice as many decisions, as there are questions. If by *avis* is meant here opinions given separately by the different Members, upon occasion of the same subject, discourses delivered, which, if adopted by the Assembly, would have been so many *resolutions of opinion*; these, if never put to the vote, are not acts of the meeting, acts of the body, but mere acts of the individuals. Yet after all, of this set of opinions, there is (it seems, according to this Author) one, and but one, which has been adopted.—Has it then been adopted? It is then an act of the Committee—a resolution of opinion passed by the Committee. On the other hand, if only one of the set has been adopted, how is it that the rest, which, since they are thus constructed with that one, must, it should seem, have been opposite and contrary to it, can have been *generally received*? A proposition cannot be said to have been generally received by a meeting of any kind, if it has not been received by a majority: and if it has really been received by a majority, how can it fail of having been adopted?

adopted?—An account like this puts one in mind of the grammatical history of the cake:—G got it, and yet H had it.

Considering this confusion as the work of the anonymous author, it would not have been worth all this notice: but the practice, of which the *éloge* is thus given, must surely itself have been very confused, or it could scarcely have given birth to an account so perfectly confused.

Nothing like this is to be found in the Reports of any English Committee I ever met with or heard of. They do not report so much as their own *minutes*; much less do they report their own *debates*: no *opinion* is there given which is not the opinion of the whole. Is a resolution of opinion proposed? If rejected, no traces of it appear; if adopted, it is given, not as the resolution of A or B, but as the resolution of the Committee. Is a statement of any affair, or history of any transaction, given? One Member, it is true, may have penned and proposed one part, another Member another part; but neither the one part nor the other would have stood in the report, if they had not respectively been acceded to by a majority of the Committee—if they had not, each of them, been the act of the whole.

Were a composition, like the one thus described, presented, under the name of the Report of a Committee, to a British House of Commons, what would they say? They would say, *This is no Report; you must go back again, and make one.* They would send it back to be *re-committed*. While A says one thing, and B, neither assenting to nor dissenting from what A has said, says another, this is no report of a Committee: the report of a Committee is what is said throughout by the major part of the Committee, or by the whole.

But these, it may perhaps be observed, are but Reports of *Committees*. The Committees, of which these are the Reports,
are

are very small Assemblies, composed of a smaller number of Members than what is commonly to be met with in the least numerous Committees of a British House of Commons. The Members may therefore be considered as acting in their individual capacity: and the Reports, given under the name of such Committees, may be considered as reports made by individuals. The Reports of such Committees as these may therefore be thus far informal, and yet the proceedings of the entire Assemblies, to which these Reports are made, be regular and exact.

Unfortunately the account given in the same book of the method in which the decision of the Assembly itself is formed (I should rather say, of the paper published as the decision of such Assembly), seems to indicate but too plainly, that the only simple and true method of forming such a decision is not less widely departed from in the one sort of meeting, than in the other.

“ The opinion once formed by a plurality of voices (votes) [voix],” says the Author above quoted*, “ then comes the time for entering it (writing it) [l’écrire] upon the minutes. But this operation (drawing up) [rédaçtion], requiring a considerable time, the Assemblies name Committee-men to perform it, and the meeting of the next day opens with the extract of the minutes of the day preceding. This regulation, highly beneficial as it is, *since it saves time*, may be productive however of a mischief.”

If this account be just, it is impossible the principle of the identity between the motion and the act of the Assembly, should have been observed in these Assemblies. For drawing up such act no Committee could have been either necessary or of any use. No

* Résultat, p. 27.

time could have been saved, but a great deal of time sadly wasted and consumed. The act, upon the only just and simple principle the nature of the case admits of, is already *drawn up* by him who moves it: to enter it upon the minutes is work—not for a Committee, but for a copying Clerk. Committee-men may be of use to give a look occasionally to the Journals, and see whether the Secretary has done his business properly: that is, whether he has entered all the acts, and whether each of them be an exact copy of the original draught: but such occasional inspection is a very different thing from their doing of that business themselves.

The mischief here apprehended by the Commentator is, that of the Assemblies in general following, upon this occasion, the example which, in a passage I have had occasion to quote elsewhere*, he takes notice of as having been set by the Provincial Assembly of Tours. This Assembly, it should seem, had conceived it proper to see what it was their Committee-men had been making them say, and not to let the account thus given stand as definitive, till they, the Assembly, had heard it read to them. The Commentator, full of diffidence of the Assembly itself, lest it should alter its own acts or pretended acts, is as full of confidence in their Committee-men. It never occurs to him that either through design or misconception the latter can misrepresent, or upon just grounds be suspected of misrepresenting, an act which, under such circumstances, it must be so difficult to represent at all, and which in truth can scarcely be said to have existence.

Turn to the Journals of these Assemblies, and what is more, to the royal Edicts published for the regulation of their discipline,

* Essay IV, Ch. Hours of sitting.

and we shall find them confirm in this respect the account given of them by their commentator.

“ In the case where divers opinions [*avis*] shall have manifested themselves, the Assembly,” says the Royal Edict for Haute Guyenne *, “ shall be obliged to reduce them to two ; and that which has the plurality of votes [*suffrages*], shall form the act of the Assembly [*la délibération*]. ”

What *must* be done, is done some how or other, however badly : and therefore an Assembly ordered by royal authority to reduce its *avis* (whatever is meant by *avis*) to two, will contrive to do so. But upon the principle of the identity of the terms of the motion and those of the resolution, and supposing only one motion upon the carpet at a time, and supposing the votes to be given upon that one, no Assembly could contrive to do otherwise. *For or against* the motion—the motion adopted or rejected—there is no other alternative.

The truth is that these different *avis*, which the Royal penman considers as liable to be produced upon a given subject, these *avis*, as far as they can be said to be any thing, seem to have been so many different propositions, so many different motions, which were to be going on and debating at the same time. They are not votes at least ; for votes [*suffrages*], it is understood, are to be given upon them. Taking them for motions, why the number of them should undergo this reduction is not by any means made apparent. If all are consistent, why not let them all pass into resolutions, if the Assembly chose it ? If any are inconsistent with others that are preferred, the Assembly, one should think, might be trusted

* Art. 9, page 14, of the Journal of 1779. This of Haute Guyenne is the second of the two original Assemblies (Berri being the first), the constitution of which was taken as a model for the others, since established all together in 1787.

to for not passing them; if a man has not sense to keep him from falling into inconsistencies, it is not a Royal Edict that will give it him.

The Assembly accepts this regulation *, adding an amendment, palliating, in some degree, the inconvenience arising from a fixed order of speaking, as hinted at on a preceding occasion †, and more fully developed a little farther on.

The case which I should suppose the penner of this edict to have had in view, is that of a number of motions started at the same time, like candidates on an election. In the English practice this can create no confusion; for the one first started must be first disposed of: the question can only be as to the adoption or rejection of that one: the others come on afterwards, as they are moved. I do not say, but that this method admits of improvement: hereafter, a regulation will be seen proposed with that view. But, what is the great point, it thoroughly prevents that confusion, which on the French method seems to be inevitable.

I set out with observing, that, to exhibit as the act of an Assembly a proposition which has not been put to the vote, and carried by the majority of votes in that Assembly, is to commit a forgery. If credit may be given to an anonymous, but very intelligent author §, this forgery is, in France, a matter of or-

* Procès-verbal de l'Assemblée de Haute Guyenne, 4^o, 1779. p. 143.

† Essay IV.

§ Essai sur l'Histoire des Comices de Rome, des Etats-Généraux de la France, & du Parlement de l'Angleterre, 3 vol. 8vo. Philadelphie, (Paris) 1789, vol. II. p. 195.

dinary practice. It is where he has been speaking of the Assembly of the States-General; and not only of that Sovereign Assembly, but of the particular preparatory Assemblies collected for the purpose of sending deputies and instructions to that general one. Resolutions [*avis*], says he, are drawn up, frequently when nothing has been put to the vote. *On rédige les avis, & souvent on ne vote point.*

C H A P T E R IV.

Principal Points continued.

POINT III. *Unity of the Subject of Debate kept inviolate.*

Questions, with Answers exhibiting Reasons.

QUESTION I. **W**HY not suffer a second proposition to be started (except as excepted) till a former has been disposed of?

ANSWER. 1. That in the instance of such or such a particular proposition, the Assembly may not by *indecision*, with respect to *that proposition*, be prevented from taking a course which, had its will been left free to exercise itself upon the subject, it would have taken.

This, we see, is what may be at any time the case, if a proposition about which the Assembly had begun to occupy itself, is thus permitted to be jostled, as it were, off the carpet by another proposition different from the former, and incommensurable with it, before they are aware.

2. To prevent a degree of confusion, by which, for that time, the Assembly may be deprived of the faculty of forming *any will* at all.

Without some such check, nothing is more likely to happen, even without design; and that in any Assembly, much more in a

new-formed and numerous one. And the endeavour to produce such an effect by design, is one of the most effectual plans that individual fraud, or conspiracy, can pursue. In this way a thousand propositions may be thrown out, which, had the Assembly been left at liberty to occupy itself about them without interruption—in short, had it been left master of its own will,—must have passed.

A proposition, suppose, has been introduced : a debate arises : and, in the course of the debate, something is started, from which somebody catches, or pretends to catch, the idea of something else that would be very proper to be done. This something else, happening to touch upon a more sensible fibre, the next speaker takes this for his theme. Affections grow warm, and crowding about this second subject, the first is insensibly departed from and forgotten. In the same manner a third takes place of this second ; and so on, till men's minds are effectually confused, and their whole stock of time and patience gone.

This divergency is what is the more liable to take place in any assembly, especially in any new-formed assembly, inasmuch as it is what scarce ever fails to take place in private circles. In this case it is productive of no sort of harm : for amusement, which is here the end in view, is better provided for by rambling freely from subject to subject, than by adhering to any one. But in the case of a political assembly, it is productive of the utmost harm which such an assembly, as such, is capable of suffering.

The more eligible in its nature, and the more likely to have been embraced by the Assembly, any of these propositions may be in themselves, the greater is the mischief that may result from such an irregular introduction of it. Introduced singly, each at its proper time, each one might have been carried :
introduced

introduced one upon the back of the other, each stands in the other's way, each throws another out, and a confusion is raised to which they all of them fall a sacrifice at once.

The enforcing this law of unity, and guarding it as well from intentional and insidious, as unintentional violations, is one of the uses that concur to evince the importance of keeping the composition, which is the subject of debate, exposed to the view of the whole Assembly: but of this in another place*.

BRITISH PRACTICE.

As to this point, so far as concerns as well the negative put by the general proposition to the introduction of extraneous matter, as the choice of the exceptions, the British practice is exactly conformable to the regulation above proposed. But in respect of the details relative to the mode of conducting the several businesses which form the matter of those exceptions, it has been deemed open to improvement, in a variety of particulars, which will present themselves as we advance.

FRENCH PRACTICE.

OF the French practice relative to this point, some intimation has been given under the preceding head. What farther remains to be said of it, will more conveniently be referred to the next. The points themselves being so intimately connected, and the practice relative to each being a consequence of the same principle, it is next to impossible, upon any one of these topics, to avoid touching upon the rest.

* See Essay III.

C H A P T E R V.

Principal Points continued.

POINT IV. *The PROCESS of DEBATING distinct from, and prior to, that of VOTING.*

Questions, with Answers exhibiting Reasons.

QUESTION I. **W**H Y not allow any vote to be given till the debate is finished?

ANSWER. I. That the decision given may not prove an improper one, on the score of its having been built upon *insufficient* and *partial grounds*.

To *vote* for or against a motion, is to judge, to exercise the office of a judge: to *speak* for or against it, is to exercise the function of an advocate. To vote before any one else has spoken in the debate, is to judge altogether without documents, altogether without grounds: to vote while there still remains any one to speak, who has any thing to say, is to judge without documents *pro tanto*. Is there any one Member whose speech is to be looked upon as proper to be attended to in this view? So, for the same reason, must that of every other: since, abstraction made of the differences in point of talent between individuals, differences of which no general rules can take cognizance, every man's speech presents just the same probability of affording useful lights, as that of every other.

I

2. That

2. That the decision given may not be exposed to the danger of proving an improper one, on the score of its being expressive of a will *different from the real* will of the majority of the Assembly.—Conceive a list of Members, speaking in a fixed order, and each man giving his vote, as his turn comes, at the end of his speech, or without making any speech, as he thinks fit. The first upon the list, after having said what he thinks proper, gives his vote; all the others, down to the last, give their votes on the same side. The last, when it comes to his turn, gives a contrary vote, grounded on arguments which had happened to escape all the preceding voters, but which, when once brought to light, stamp conviction on their minds. What is the consequence? A decision is given, purporting to want but one voice of being an unanimous one: but, in fact, contrary to the unanimous will of all the Members, whose decision it purports to be.

BRITISH PRACTICE.

IN all political assemblies, the idea of which would be presented by that name to an Englishman unacquainted with, or not thinking of, the state of things in France, the British practice agrees perfectly with the recommendation given by this article; so perfectly, that it is to the rule itself that he would probably stand indebted for the first conception of its being possible to depart from it.

The mode of proceeding in Courts of Justice on this head, might indeed, if considered in this point of view, furnish an exception to this rule: but in this point of view an Englishman would not be apt to consider it, the business of a Court of Justice standing upon a footing altogether peculiar in this respect, as will be seen hereafter.

F R E N C H P R A C T I C E.

THE French practice, relative to this important point, is so inextricably interwoven with the practice observed, in the same country, in relation to the other less important points, of which the enumeration has been already made, that to touch upon any one of them, without encroaching upon the rest, is scarcely possible.

The process of speaking seems scarcely to have been distinguished from that of voting, or the thing called a *speech* from the thing called a *vote*, even in idea; the same terms, *opinion* and *avis*, being employed, as we have seen, to denote, indiscriminately, the one or the other, or both together. Not being distinguished in name, they would remain undistinguished in exercise: and each man, in making his speech, whether it consisted of ten words, or the amount of twice as many pages, would of course give his vote at the same time; and that perhaps without suspecting that, in so doing, he was doing two different things at once.

But, whatever each man chose to say, whether barely enough to give that signification of his will which a bare vote would give, or enough to make a speech of two or three hours in length, it happened to be so ordered, that each man should say it in a fixed order, as between man and man; such a Member, if present, always speaking first, such another second, and so on. *Precedence*, that is, the order of sitting, was carefully settled upon such principles as were thought the proper ones in such case: and *pre-audience*, including speaking and voting, pre-audience, as a matter of inferior importance, was made dependent on precedence. From this combination, of confusion in what required order, and order in

in what required none, results an effect which it is difficult to state with any degree of seriousness. The chance a man has of gaining partizans to his opinion is proportioned, not to the cogency of his arguments, but to the fancied height of the place in which he sits.—Conceive this regimen adopted by the States-General, consisting, suppose, of 1100 members: he who sits first may hope to persuade 1099; the hopes of his next neighbour are confined to number 1098; and so down to the lowest, who sees nobody on whom his eloquence can make any effective impression, but himself.

On the other hand, the chance a man has of forming a right opinion, is exactly in the inverse ratio of the chance he has of gaining partisans to that opinion. He who has it in his power to govern every body, has it not in his power to receive lights from any body; he into whose lap the collected wisdom of the whole Assembly is poured in a full tide, sees no one to whom he can give the benefit of the illumination but himself. If the ingenuity of Government had employed itself in considering by what means wisdom might be most effectually disjoined from power, no other method equally happy could possibly have been devised.

One glance more at the regulations of the Provincial Assemblies: they will afford an instructive example or two of ingenuity and observation struggling against precedent and prejudice.

First comes Haute Guyenne. Strangers to the principle of the identity of the motion and the resolution grounded upon it, they had found themselves entangled, in manner as above noted, with a multitude of *avis*, opinions, things that were neither motions nor speeches, nor votes, but something betwixt all three, springing out of one subject. The King's provisional code had ordered the

reduction of these *avis* to two; viz. the two which after one round of *avis* had found the greatest number of voices in its favour. The consideration of this article had suggested to the Guyenne Committee an imperfect view of the inconvenience of this orderly method of proceeding; the *avis* of a member low in the scale of *opinions*, though it was possible it might be the better of the two, could not possibly have so many *suffrages* in its favour as that of a member higher in the scale might acquire. The remedy hit upon was—not to keep the processes of debating and voting separate; that was a step too wide from precedent and establishment to be thought of—but to have two rounds of *avis*. * Then (say the Committee), a man who upon the first round has heard the *avis* given subsequently to his own, with the reasons that may have been produced in favour of them, may, upon the second turn, sacrifice his own to that of somebody else. That he may, is not to be disputed: but will he? Unfortunately it is not quite so easy to human pride to adopt a right opinion after having avowed its opposite as before: and, if such be the case between equals, how must it be where the conversion cannot take place without mortifying the pride of rank as well as the pride of wisdom?

This step towards reason was thought, it should seem, too bold. Seven years after this period the Assembly of Orléans, though willing to do something, had not resolution however to venture quite so far †. It was settled, that “for ordinary
“ business there should be but one round of *opinions*, in which a
“ man should be allowed to develop his *avis*; but that in mat-

* Haute Guyenne, I, 143; anno 1780.

† Orléans, page 168; anno 1787.

“ters that appeared to require discussion, the President, in
 “conjunction with the first *opinans* of each order*, should
 “judge whether the matter subjected to *délibération* required two
 “rounds of *opinions*, and that this decision should precede the
 “*délibération*” †.

One Assembly there is, in which the process of debating and that of giving the opinions are distinguished and kept separate; and this is that of Picardy ‡. The province nearest to England has, on this important point, come over to the English practice §. This coincidence however can scarcely be reckoned other than fortuitous; it goes no farther: these *opinions* are the same indeterminate sort of thing, or nearly so, here as elsewhere: they are not mere speeches indeed, but they are something betwixt

* By the first *opinans* of each order, I suppose was meant the first *parcel* of *opinans*: if so, pity but it had been expressed so.

N. B. The whole number of *opinans* stands, under this code of regulations, divided into parcels, four in a parcel; *viz.* one of each of the privileged Orders, and two of the Third Estate. Of this see more under the next head.

† What is meant by the word *délibération* here.—Whether the *arrêté*, the act or resolution of assembly, which in the french nomenclature is frequently termed *délibération*, or the assemblage of acts whereby these *avis* are respectively exhibited by the individual members, is more than I can take upon me to say; I give the passage as I find it. The same confusion pervades the Berri code; which has served as a sort of model to the rest, and which, in this respect, has been but too faithfully copied.

‡ Picardie, p. 184, 13 Décembre 1787; Règlement II, Art. 5 & 6.

§ Après la proposition chacun pourra, à son tour, faire telles observations qu'il jugera convenables; . . .

La discussion de la proposition préalablement faite, l'on ira aux opinions.

motions and votes: they are sorts of things of which an indefinite multitude are liable to start up, and which, in Picardy as in Haute Guyenne, require force to reduce the number of them to two*.

To wean a man completely from an error from which the chains of habit have rendered it difficult for him to break loose, no recipe is so effectual as the indication of its source. In the present instance, the cause of this entanglement of two processes, which, in point of utility it is so necessary to keep distinct, may be traced pretty successfully in two circumstances. The one, which however may be looked upon as rather the effect than the cause, is the confusion of ideas indicated by the equivocal nomenclature already noticed: the other is the junction of the two processes in the practice of courts of justice, in which, as we shall presently observe, such a junction stands upon a very different ground, and is, in some cases, not productive of any inconvenience, and in none, of any degree of inconvenience approaching to that of which it is productive in the case of a political assembly of any other kind.

While no difference was as yet descried between *original motion*, *motion in amendment*, *argument*, and *vote*;—while men were as yet to learn how necessary the concurrence of all these objects is to the formation of a rational decision, how distinct they are in themselves, and how important it is to keep them so;—when the art of applying a correction to the original proposition, in such manner as to enable the Assembly to choose between the proposition uncorrected and that which would be the result of the correction, was as yet unknown;—when, on offering

* Picardie, Règlement II, Art. 10.

a fresh proposition in the course of a debate, a man had not yet learnt so much as to ask himself what influence it would have, or what he meant it should have, on the fate of another that was already on the carpet;—what occasion, what warning, what motive should men have had for separating—in short, in this state of the progress of intelligence, what possibility of separating argument from vote—and that so perfectly as that all the arguments should be exhibited at one time, and all the votes at another? In common discourse, though the distinction equally exists, no such separation usually takes place; and common discourse is not only the natural, but till some particular reason presents itself to the contrary, the proper model for regular debate.

All objects present themselves at first appearance in the lump; discrimination and separate nomenclature are the tardy fruit of reflection and experience. In Europe a dog and a horse are become different animals; at Otaheite the first horse was a great dog.

Not only in the unfettered intercourse of common conversation is this separation neglected, but the case is the same in the regulated practice of the species of political Assemblies instituted for the purposes of justice. This practice is the model which the legislators of the modern Provincial Assemblies, and before them those of the ancient Provincial States, would naturally have before their eyes; it is from this source that the spirit of their laws would naturally be drawn.

The mode of proceeding in the States General, which ought naturally to have been the model for popular or pretended-popular assemblies, was too unsettled to serve as a model for any thing, even for itself.

Courts

Courts of Justice must have existed at all times, and every where; and every where, and at all times, the members of them must have delivered arguments and given votes.

That the regulations given provisionally to the Provincial Assemblies by royal authority, or those settled by the Assemblies, had lawyers for their authors, we are no where told, as it is not natural that we should be. That matters of law should be given to a lawyer to draw up, is however nothing more than natural: but to a lawyer the model of perfection is naturally the practice of his court.

That such should have been the regimen pursued by Judges in Courts of Justice, is not to be wondered at; nor, in Courts of justice, where the number of the Judges is very small, and which confine their transactions to the business of administering justice, is it to be blamed. The principal Courts of justice in France, the Courts of Parliament, though always abundantly too numerous for Courts of Justice, were at their first institution less so than at present: and it was at that early period that their practice in this particular must necessarily have been settled.

These judicial Assemblies, and the sort of administrative bodies formed by the Provincial Assemblies, were so far analogous, that both sorts were assemblies of a political nature; both had propositions to decide upon, resolutions to form, and votes to give. But there is one point in which the analogy totally fails; and this point, obvious as it appears when once started, seems totally to have escaped the observation of the man of law. In judicial assemblies, in as far as they act judicially, no resolution comes to be formed, no vote comes to be given, not even that of him who stands foremost upon the list, till after the question has undergone a full and elaborate discussion by advocates on both sides.

sides. But in political assemblies, in the narrower sense of the word, in assemblies legislative, administrative, or merely popular, there is no such distinct class of persons; at least none such has, any where that I recollect, made its appearance hitherto separate from the rest. In assemblies of these latter descriptions each member unites in his single person the distinct, and in a certain sense opposite characters of advocate and judge. By his vote he exercises the latter function; by the part he takes in the debate, by his speech in a word, and in the case of the author of a motion, by the making of that motion, he exercises the former.

He who, standing first upon the list of speakers, gives his vote at the conclusion of his speech, without hearing any of the others, acts exactly as a presiding Judge would do, who should begin with giving an opinion in favour of the Plaintiff or of the Defendant, without hearing a syllable from the parties or their advocates on either side.—I mistake; he acts still worse: he decides not *ignorantly*, without hearing any thing from any body; but *partially*, after hearing only on one side. A proposition of some sort or other is upon the carpet; it must have had somebody for its introducer: this introducer has been heard in favour of it: it is therefore upon this partial representation only that the vote of the member who stands first upon the list must, under this regimen, be formed.

In the judiciary line, the French and British practice on this head are similar in appearance, without being so in effect. In both instances each man's vote, it is true, follows immediately upon his speech: but in the British practice this usage is attended with no inconvenience: the senior Judge, from being the first to speak and to give his vote, loses nothing in point of intelligence; the junior Judge, from being the last, loses nothing in point of influence.

influence. Why? Because the speeches they make in public, the speeches they are *heard* to make, are not the speeches by which their judgments have been determined: in a word, their speeches are not debates. What debates may happen to take place among them, are always private; they are carried on in whispers, or out of court among themselves. Before any one begins to speak, every one of them knows the mind of every other: their speeches accordingly are addressed, not to one another, but to the parties and the audience. Their object in making these speeches is not to make proselytes of one another: that object is either already compassed, or recognised to be unattainable: their object, if unanimous, is to instruct the audience, and plead each man in favour of the whole number: if there be a difference of opinion (an incident, in South Britain at least, very rare) to defend and justify at the bar of the public, each man his own side.

How happens this?—Because the smallness of their number renders this kind of concert practicable. In England, in ordinary cases, the number is not more than four; they sit close together: the whisper of a moment is sufficient to inform them whether the opinion of the three junior Judges coincides with that of the chief: if it does not, an adjournment of the cause, to give them an opportunity of debating the matter over in private, is the constant consequence.

When the whole twelve form themselves into one court, an incident that does not take place perhaps so often as four times in a twelvemonth, the small increase in number resulting from the junction makes, in this respect, no difference; here, as in the other case, the public declaration of opinions is constantly preceded by private conference.

In

In the Court of Justice composed by the House of Lords, the numbers, and other circumstances, being so widely different, the practice is accordingly different. The number who have a right to be present is very large; the number actually present is liable to prodigious fluctuation: the Members of this large body are not collected together in one place, are not in the constant habit of living with one another, as are the Members of that small brotherhood: among the Lords there can be no general conference but in a formal debate; accordingly, among them the process of debating is as distinct from that of voting, when they act in their judicial capacity, as when they act in their legislative.

The French Parliaments, at least the principal body of that denomination, the Parliament of Paris, bear, in relation to the points in question, a much greater resemblance to the House of Lords than to the ordinary Courts of Justice in Great Britain, and particularly in England. The number commonly present in the House of Lords, is scarcely equal to the number commonly present in the Parliament of Paris, when all the Chambers are assembled. When that body, stepping aside out of the track of justice, takes cognizance of business appertaining to the departments of legislation and administration, its numbers, instead of being less than on the other occasions, are commonly greater; both by the extraordinary affluence drawn by the importance of the business, and by the addition of the Peers, whose presence on such great occasions is commonly requested. Yet in no instance, as far as I have been able to learn, does this Assembly ever depart from the judiciary usage of confounding the two processes of debating and voting, in manner above mentioned.

C H A P T E R VI.

Principal Points continued.

POINT V. *In Debating, no fixed Order of Pre-audience.*

Questions, with Answers exhibiting Reasons.

WHY not admit of any fixed order of pre-audience in debate?

ANSWER. 1. Because a fixed order is unfavourable to the growth of that intelligence, on which rectitude of decision in great measure depends: to wit, in as far as intelligence is the fruit of industry, excited by emulation.

A man who finds himself low upon the list, may, in ordinary cases, naturally expect to find his arguments forestalled: and, the lower he is, the less will it appear to be worth his while to be at the pains of studying the subject, for so small a chance of distinguishing himself, or being of use. Should superior ability or perseverance now and then get the better of this obstacle, still it is an inconvenience in itself, and a disheartening circumstance to reflect on, that his arguments cannot be produced till after the attention of the hearers may have been exhausted, and their appetite palled.

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In this line, as in every other, the less a man's faculties seem likely to be worth, either to himself or others, the less labour will be bestowed in cultivating them.

2. It tends to waste time by encreasing the quantity of useless discourse.

What is lost in point of intelligence, may be made up in words. A man who stands high upon the list, standing in that conspicuous station, and finding himself perpetually called upon to speak, may fancy himself bound, as it were, to obey the summons, and speak at any rate, as it were in his own defence. Something he must every now and then say, to the purpose or not to the purpose, willing or unwilling, prepared or unprepared.—*For so many days together nothing but a silent vote? This will never do: I must make something of a speech to-day, or people will begin to look upon me as nobody.*

Thus, while the able and willing are shoved out of the list of speakers with one hand, the ill-qualified and unwilling are dragged into it with the other.

3. It tends to diminish the measure of intelligence imparted to the Assembly, and thence to diminish the chance in favour of rectitude of decision, in another way; viz. by preventing that concert between persons possessed of different talents, that casting of the different parts, which may be so necessary to the displaying of the strength of the cause on every side to the best advantage.

One man, for instance, shall be fittest for the business of statement and narration:

Another man, who is capable of urging this or that argument with a superior degree of force, shall be unable to grasp the whole *compages* of the business:

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A third,

A third, who can begin nothing of himself, shall be excellent at improving an hint given by another, or correcting an error, or supplying a deficiency :

A fourth, though sparingly endued with the power of invention, shall be good at summing the arguments offered by others, and putting each argument in its proper place.

A fixed order, with its blind inflexibility, shall chop and change all these parts, turn topsy-turvy the order designed by reason and by nature : the reasoner shall stand before the narrator, and the recapitulator before both.

Setting aside the case of previous concert, and supposing the order to be fixed any how, some error may be advanced by a man, say in matter of fact, say in matter of argument, which, as it happens, somebody of those who spoke before him is in a condition to correct, but no one of those who are to speak after him.—What follows?—That if the rule of fixed pre-audience be observed, the error must pass uncorrected, and be received for truth. So often as this happens to be the case,—and there is no occasion on which it may not happen,—truth and this rule are incompatible.

4. It tends to strengthen whatever hold might be obtainable by seductive influence; and thereby to throw discouragement in the way of sincerity and truth.

Every man having to say something in his turn, and to shew the side he takes, by his vote at least, if not by a longer speech, those who stand lowest upon the list will be obliged, whether they will or no, to see, and it will be known that they see, the part that is taken by every man who stands above them. But of this more fully under the next head.

5. Considered in respect to its influence on the rights of individuals,

viduals, it puts all the Members upon an equal footing: and on this head at least, equality is justice. Whatever be the advantage of speaking before or after another man, no reason can be given why one Member should enjoy it in preference to another: the consequence is, they ought all to have an equal chance for it.

In point of real importance, this last consideration ranks at a great distance behind the preceding ones. In those cases it is the interest of millions that is concerned: in this, it is the interest of units. But even this ought not to pass unnoticed; for millions are composed of units. And, in the present instance, it is the interest of the units that is the most palpable, and the most immediately at stake.

BRITISH PRACTICE.

THE order in which Members speak, is that in which they happen to present themselves for that purpose*; which they do by rising from their seats†. In case of doubt which person, out of a number, was up first, it is the province of the Speaker to decide‡; that is to say, provisionally; for ultimately nothing can be decided but by the House§. Upon each occasion, the race, if so one may term it, is renewed; by starting up second, on any occasion, a man does not acquire the right of being heard first upon a succeeding one.

* II. Hatfield. Commons Journals, 2d May, 1604.

† Ibid. 76.

‡ Ibid.

§ Ibid. Commons Journals, 2d May, 1604.

This mode is liable to inconveniences, which a person not rendered insensible to them by habit, will not find it difficult to divine; and which will be considered, and a remedy endeavoured to be found for them, farther on. But these inconveniences are nothing in comparison of the advantage gained by the avoidance of those which, we have seen, are the inevitable result of every kind of fixed order whatever.

In the British practice, the fundamental principle is equality: and here, in prescribing equality, public utility concurs, as we have seen, with justice. In the particular course taken to enforce and apply the principle, injustice, or at least the danger or appearance of it, as we shall see hereafter, have insinuated themselves. But under the greatest practicable degree of injustice, its efficacy on this head can never fail of meeting with a powerful controul in the influence of Chance: that incorruptible power, which in this, as in so many other instances, is the best guardian and firmest protector that Equality can have. At the worst it is but occasional injustice; and between occasional and constant injustice there is no comparison.

F R E N C H P R A C T I C E.

In the English practice we have seen disorder at the surface, utility and justice at the bottom. In the French, we shall see order at the surface, inconvenience and injustice underneath: the private injustice palliated, or rather modified in different ways; but the public inconvenience remaining unaltered, and in full force.

In the code of regulations adopted by the first of the two pattern-Assemblies, the provincial Assembly of Berri, the following is the course laid down. The Ecclesiastical Members

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are to *sit* and *speak* in the order of their nomination to their respective benefices*: the Noblesse, in the order of their age†: the Third Estate, according to an order which it is declared shall be fixed as between the districts which they represent‡. The monster Equality being thus, by different processes, extirpated from the three different classes of citizens, order, good order, *bon ordre*, as doubtless it appeared, was established, and the duty of the Legislator done.

The Clergy, it is to be observed, stand first in dignity; after them the Noblesse; the Third Estate in the rear. Accordingly, the Clergy are placed all together at the right of the President; the Noblesse, on his left; and the Third Estate, below them, on each side§. The important article of sitting being thus adjusted, upon strict constitutional principles, the inferior businesses of speaking and voting admitted of a temperament. Accordingly, for the purpose of *opining*, the whole Assembly, consisting, when full, of 48 Members, (exclusive of the two Procureur-Syndics) is considered as distributed into parcels: 12 parcels, 4 in each parcel: the four consisting of an Ecclesiastic, a Noble, and two of the Third Estate. He who sits uppermost of the Ecclesiastics is thus joined with him who sits uppermost of the Noblesse, and with the two who sit uppermost of the Third Estate; and so downwards throughout the list.

* Berri, vol. I. anno 1778. Règlement pour la Convocation & la Formation de l'Assemblée, Sect. II. Art. 5. p. 35.

† Ibid. III. 7. p. 37.

‡ Ibid. IV. 13. p. 40.

§ Ibid. I. 10. p. 31.

If, by this expedient, the individuals concerned were satisfied, that was one great point gained. What was gained in their other points?

1. Nothing in point of emulation.
2. Nothing in point of saving time and words.
3. Nothing as to the convenience of casting the parts, or correcting mistakes.
4. A small matter as to the diminution of undue influence. This influence, as between men of different classes, is reduced in some degree: but the influence of man on man, in the same class, is left untouched*.

* The small utility of the arrangement in this point of view, is more particularly observable in the instance of the Ecclesiastical order; in which inequality of dignity is liable to be connected with subordination in point of power. When a Bishop, for example, and a number of his diocesans, sit in the same Assembly—a case exemplified, perhaps, in every one of these Assemblies—none of these subordinates can open his mouth, till after the superior has declared his pleasure. If an historiographer of these Assemblies is to be believed*, a Bishop, in one of them, was explicit enough to declare, that an Ecclesiastic ought always to be of the same opinion with his Bishop. Admit this proposition, and a good deal of time might be saved from consumption, as well as a good deal of truth from violation. The multitude of the Members, one of the most formidable rocks which the institution of the States-General is exposed to split upon, might be most happily reduced by giving, to every Bishop chosen, the proxies of as many of his suffragans as are returned with him. I mention this only in the way of illustration, not as affording a specimen of a mode of thinking which can possibly be a general one. The anecdote, probably heightened, or grounded upon some hasty expression, would not have been given by the author from whom I take it, but for its singularity. It would be injustice to the nation, as well as to the order, to view it in any other light.

* *Résultat des Assemblées Provinciales*, 8vo. 1788. p. 25.

5. Nothing

5. Nothing in the article of equality. Where all have a right to be upon an equal footing, every scheme of preference is equally unjust.

In the second of these two original Assemblies, that of Haute-Guyenne, a fixed order is settled upon the same principles, with some little variation as to the details: * and, as a fruit of the experience gained in the two years that had elapsed between the institution of the two assemblies, and as a means of providing the more effectually against any violations of this good order, it is provided, in terms more positive than those employed in the Berri code, that no member shall give his *avis* till called upon by the Secretary for that purpose. † The end in view was, I suppose, to prevent interruption: but the means employed are such as render the exercise of every member's right dependent upon their servant's pleasure ‡.

In the Assembly of the Notables of 1787, another course was

* Haute Guyenne, page 119; anno 1780. Sect. I, Art. 15.

† Ibid. Art. 21, page 121.

‡ Wherever the exercise of a right is deemed invalid till after some act has been performed by a particular individual, that individual, however insignificant in other respects, possesses thereby a negative upon the exercise of that right: and though he might not venture to exercise such a negative upon his own bottom, he might, when supported by a faction.

It was thus the French Parliaments, and particularly that of Paris, from having in their custody the registers on which new laws were to be entered, acquired very happily a sort of negative in legislation. It is to some such circumstance, little heeded at its commencement, that arbitrary power owes in many instances its only checks. But in the same way may liberty be checked and fettered by arbitrary power.

prescribed by royal mandate. The voices “*[voix]*” * were here to be taken, not in the order of sitting, which we may be sure was the order of dignity, but in the reverse of that order. This course was directed to be observed as well in full assembly, as in the seven Committees into which the Assembly was immediately broken down †.

This plan, with all its impropriety, was no inconsiderable improvement. It was the least bad of all fixed orders that could be devised §. The influence of will on will is thus reduced to its *minimum*; as far as the quantum of influence is to be measured by the degree of dignity. Other advantages might be pointed out, were it worth while to spend words in measuring shades of inexpediency, with perfect expediency in full view.

* What do *voices* “*[voix]*” mean here? Speeches only, or votes only, or both together? The Royal mandate does not say, and a stranger may be permitted not to know. In practice, I am inclined to think it was construed to mean votes, or at least the short and summary *opinions* given instead of votes. A debate must have preceded, if what I understand from good authority be true; and that carried on in a mode not only as irregular as the English, but rather more so. Half a dozen voices at a time, I am assured, was no uncommon concert; so natural is the connection between bad government and anarchy.

To this arrangement the dignity of rank found, one may suppose, no great difficulty in reconciling itself. Montesquieu’s story of the Spaniard and the Portuguese would naturally come to mind. *No matter what the place, so it distinguishes me from you.*

† Procès-Verbal, p. 78, in-8vo, Paris, 1788.

§ It puts one in mind of Solon legislating for the Athenians, and giving them not good laws, but the best they could be brought to bear. But since that day national wisdom among our Athenians has made an immense shoot; and they are become ripe for good laws, if ever a people were.

CHAPTER

C H A P T E R VII.

Principal Points continued.

POINT VI. SIMULTANEITY *of the* VOTES.*Questions, with Answers exhibiting Reasons.*

WHY require the votes to be given all at once, rather than one after another, according to a predetermined order?

ANSWER. 1. To save time:—of which, in a numerous assembly, the taking the votes one after another, though it were in the most expeditious mode possible, must occasion an enormous waste.

Imagine the States General of France voting, in the order of regular succession, upon every motion, how much soever in course; and contrast this process with that observed in the British House of Commons, open, as I conceive it will be found to be, to further improvements. In the House of Commons, when there is no division, as is the case with perhaps ninety-nine motions out of a hundred, the business of taking the votes is the affair of two instants: one in which the affirmative votes, the other in which the negative votes, are called for. In the States General of France, under the regimen supposed, that same business would be the affair of about eleven hundred such instants: that is, about five hundred times as much time would be consumed in the latter case as in the former. One might even say more: for when eleven hundred votes are given one after another, accounts must

be taken, whatever be the eventual disparity, and a deal of time consumed, in taking care not to omit any man, nor count the same man more than once.

2. To lessen the efficacy of undue influence.

I say only to lessen it; for if two men are absolutely and *bonâ fide* agreed to play the parts of master and slave, or pope and devotee, what possible means will there be of hindering them? Neither the process of crying *Aye* or *No*, nor that of holding up hands, can be rendered so exactly simultaneous, but that, if the slave is *bonâ fide* upon the watch, he may wait to observe the part taken by the master's voice or hand, so that his may take the same. But to the slave who feels an inward disposition to rebel, the practice of simultaneity may upon occasion furnish excuses that may stand a better or worse chance of being accepted;—*I beg a thousand pardons; I took another man's hand for yours.—If I have acted honestly for this once, it was through mistake: the matter appeared unfortunately so clear to me, that I made no doubt of finding your hand on the same side.*

Wherever a loop-hole offers itself, at which probity may make its escape from the trammels of seductive influence, it is plain that too much care cannot be taken to leave it open. See, in another Essay, the Chapter on the cases where the secret mode of taking the votes is the proper one.

The concealment thus recommended is not that which forms the inconvenience, where there is any, resulting from the secret mode of voting. It is only the will of the seducer that is concealed, for the moment, from the knowledge of the voter; not the conduct of the voter that is concealed, at the long run, from the knowledge of the public.

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The result of a decision given in this summary way may, it is true, come to be done away by another decision, given on the same question, in the exact and regular mode: but this latter opposes, or at least may be made to oppose, to improbity, other checks which are peculiar to itself: of which in another place*.

BRITISH PRACTICE.

THE mode of voting pursued in the British practice accords thus far with the recommendation given by this theory. In the summary way, the voices given on each side are all lifted up promiscuously, and at the same instant. In the regular mode, on a division, all the feet move promiscuously and as fast as they can. A division is not conceived to be either a procession, or a dance.

In both cases the practice is not free from particular inconveniences, which will be represented, and remedies proposed for them, in another place. In both cases the outlines might be better filled up than they are; but the outlines themselves are just.

In point of diminution of undue influence, the advantage gained is perhaps no great matter. It is out of the question altogether in the regular mode, where the part taken by every body, being deliberate and conspicuous, must be observed by every body: and in the summary mode it cannot be expected to amount to much, on those great questions of national importance where Party puts its shoulders to the task, and the part to be taken in the House is previously settled, by most of the members, at private or less public meetings. But still there are not wanting a multi-

* See the Essay on *publicity* with regard to the proceedings of a political assembly. Essay II.

tude of occasions on which, under favour of this part of the discipline, Probity may make its escape from Undue Influence. Let the advantage gained in this way amount to ever so little, it is so much got out of the fire.

F R E N C H P R A C T I C E.

IN the French practice the speeches, where a man has any thing to say, are made in a predetermined order, as we have seen: and as each man's vote comes immediately after—or instead of—in short, is confounded with—his speech, hence vote follows after vote, as speech does after speech.

Speaking with an eye to the States General, I have brought to view the enormous quantity of time which, upon this plan of regular succession, the mere operation of *voting* must, of itself, in an assembly so numerous, unavoidably consume; but when to this one adds the process of *debating*, and the multitude of speeches which, in an assembly of eleven hundred persons, all picked men, selected for their talents by and out of four and twenty millions of people, may be extorted in a manner by the considerations above mentioned, the imagination starts at the idea.

In a company like the Provincial Assemblies, consisting of no more than eight and forty persons, this inconvenience might chance well enough not to rise to such a magnitude as to attract notice. But in an Assembly like that of the Notables of 1787, consisting of one hundred and forty-four, it seems already to have been apprehended. For this consideration must, at least, have been among the number of those, in virtue of which such haste was made to break down that Assembly into seven Committees,
of

of 20 or 22 each, as soon as formed. In the course of 62 days the *plenum* sat but six times: and on none of those days do the transactions, as represented by the *Procès-Verbal*, seem to leave any room for a debate. In full assembly nothing seems to have been done but hearing papers read, and speeches of ceremony pronounced.

Even in the Provincial Assemblies, consisting of but forty-eight members, it seems to have been a principle, to do the business as much as possible in Committees, consisting of no more than a dozen members. In some of them, according to their historiographer *, a regulation is established, not to take into consideration any business in full assembly, that has not, in its passage from the Committee in which it originated, gone through the other three. This he looks upon as “ necessary, in order to avoid, as much as possible, the noise and bustle to which debates carried on in numerous assemblies are exposed. †

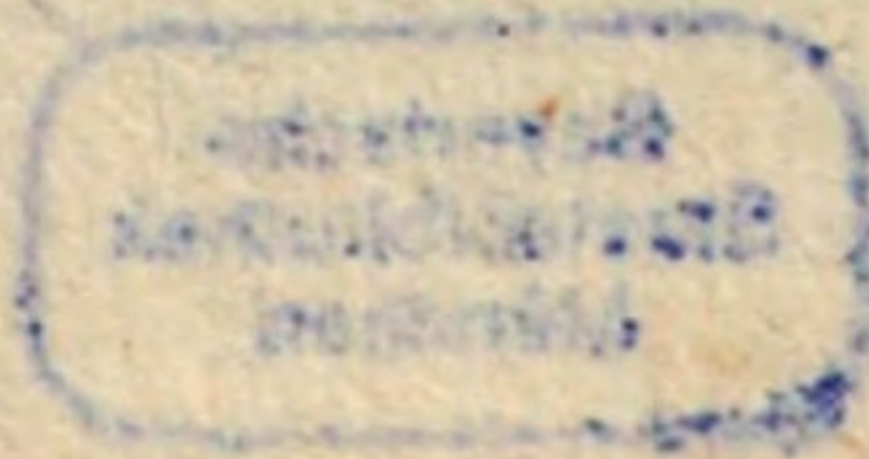
These observations, and many others that might be added, seem to bespeak a general apprehension of the impossibility of carrying on business in the French mode in *numerous* assemblies: that is, not only in such as would be esteemed numerous in England, but in assemblies, for example, consisting of half a hundred, or even so few as a quarter of an hundred persons. How must it fare then with the States General, and its eleven hundred members? Is it to have no general will? Is it, like the first Assembly of the Notables, to sit for no other purpose than to hear papers which would have been better read than heard, and speeches which might as well have been neither read nor heard?

Is no business to originate there?—Nothing to be done but to pronounce definitively, and *in globo*, upon some voluminous draught

* Résultats des Assemb. Prov. p. 18.

† Ibid.

transmitted



transmitted from some small and select Committee? It is a fallacy then to speak of its having a will of its own: it is a fallacy to speak of it as possessing the power of the people. The real possessors of the power of the people are the members of this oligarchy; the select Committee. But of this more fully in another place.

OBSERVATIONS.

THE circumstance that served us to account for the usage relative to the fourth point, will afford us a means equally natural of accounting for the practice relative to the present head.

Between the practices of speaking in succession, voting in succession, and confounding speech with vote, the connection is not, it is true, a necessary one. Speeches *might* be made in turn, and yet votes given all at once. Speeches might be made in the order in which persons happened to rise to speak, or in any other uncertain order, while votes were given in a fixed order.

But the connection, though not necessary, was natural. Why? Because it was natural that judicial assemblies should have served as a model: and in judicial assemblies it was as natural that the Judges should speak in a fixed order, determined by the joint influence of rank and seniority, as that each man should speak and vote at the same time.

It was a natural course, which, as far as judicial practice is concerned, is sufficient here: whether, in the instance of that practice, it be of all others the most expedient, is a question that belongs not to the present purpose.

CHAPTER

H E A D S R O W A I N

E S

ENQUIRIES concerning the

Principally applied to the Practice

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tive to the Head of Publicity.

CHAP. VII.

Cases proper for *Ballot*: i. e. where Secrecy is preferable to Publicity in the Process of taking the Votes.

ESSAY III.

Of the PLACE of MEETING and its Dependencies.

CHAP. I.

Principal Objects to be attended to in the *construction* of an Edifice for that purpose.

(a) Viz. The guarding against the several Inconveniences to which the Proceedings of a Political Assembly stand exposed. See the ensuing Table.

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CHAP. XXIV.	On the Extension of the Right of Suffrage.
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CHAP. XXIX.	On the Extension of the Right of Suffrage.
CHAP. XXX.	On the Extension of the Right of Suffrage.
CHAP. XXXI.	On the Extension of the Right of Suffrage.
CHAP. XXXII.	On the Extension of the Right of Suffrage.
CHAP. XXXIII.	On the Extension of the Right of Suffrage.
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Enquiries concerning the Discipline and Mode of Proceeding
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ESSAY V. On the Privileges, Vices, Presidents, and other Officers, belonging to Political Assemblies. CHAP. I. Of the Office of President—Rela- tive to the Assembly. CHAP. II. Of the Office of President—Rela- tive to the Assembly. CHAP. III. Of the Office of President—Rela- tive to the Assembly. CHAP. IV. Of the Office of President—Rela- tive to the Assembly. CHAP. V. Of the Office of President—Rela- tive to the Assembly. CHAP. VI. Of the Office of President—Rela- tive to the Assembly. CHAP. VII. Of the Office of President—Rela- tive to the Assembly. CHAP. VIII. Of the Office of President—Rela- tive to the Assembly. CHAP. IX. Of the Office of President—Rela- tive to the Assembly. CHAP. X. Of the Office of President—Rela- tive to the Assembly.	CHAP. I. Of the Office of President—Rela- tive to the Assembly. CHAP. II. Of the Office of President—Rela- tive to the Assembly. CHAP. III. Of the Office of President—Rela- tive to the Assembly. CHAP. IV. Of the Office of President—Rela- tive to the Assembly. CHAP. V. Of the Office of President—Rela- tive to the Assembly. CHAP. VI. Of the Office of President—Rela- tive to the Assembly. CHAP. VII. Of the Office of President—Rela- tive to the Assembly. CHAP. VIII. Of the Office of President—Rela- tive to the Assembly. CHAP. IX. Of the Office of President—Rela- tive to the Assembly. CHAP. X. Of the Office of President—Rela- tive to the Assembly.	CHAP. I. Of the Office of President—Rela- tive to the Assembly. CHAP. II. Of the Office of President—Rela- tive to the Assembly. CHAP. III. Of the Office of President—Rela- tive to the Assembly. CHAP. IV. Of the Office of President—Rela- tive to the Assembly. CHAP. V. Of the Office of President—Rela- tive to the Assembly. CHAP. VI. Of the Office of President—Rela- tive to the Assembly. CHAP. VII. Of the Office of President—Rela- tive to the Assembly. CHAP. VIII. Of the Office of President—Rela- tive to the Assembly. CHAP. IX. Of the Office of President—Rela- tive to the Assembly. CHAP. X. Of the Office of President—Rela- tive to the Assembly.
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Bentham, Jeremy,

Essay on political tactics containing six of the principal rules proper to
be observed by a political assembly, in the process of forming a decision .

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London 1791

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